

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-4536**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

NICHOLAS ARMAND CLAY,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:11-cr-00304-WO-1)

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Submitted: December 27, 2012

Decided: January 15, 2013

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Before NIEMEYER and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, Harry L. Hobgood, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nicholas Armand Clay pled guilty, pursuant to a written plea agreement, to one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e) (2006). In the plea agreement, Clay reserved his right to appeal the district court's denial of his motion to suppress evidence seized and statements made subsequent to his arrest. On appeal, Clay argues that there was no probable cause to justify his arrest and that any evidence resulting from such arrest should have been suppressed. We affirm.

We review factual findings underlying the district court's denial of a motion to suppress for clear error and its legal conclusions de novo. United States v. Foster, 634 F.3d 243, 246 (4th Cir. 2011). When a suppression motion has been denied, this court reviews the evidence in the light most favorable to the government. United States v. Farrior, 535 F.3d 210, 217 (4th Cir. 2008). This court grants great deference to factual findings based on credibility determinations. United States v. Moses, 540 F.3d 263, 268-69 (4th Cir. 2008). Our review of the record leads us to conclude that the district court did not err in finding that there was sufficient probable cause to justify Clay's arrest and denying the suppression motion.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED