

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4574

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EDWARD HUCKABEE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. Louise W. Flanagan, District Judge. (7:11-cr-00107-FL-1)

Submitted: January 29, 2013

Decided: February 15, 2013

Before KING, FLOYD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeffrey M. Brandt, ROBINSON & BRANDT, P.S.C., Covington, Kentucky, for Appellant. Thomas G. Walker, United States Attorney, Jennifer P. May-Parker, Kristine L. Fritz, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Edward Huckabee appeals the conviction and forty-five month sentence that resulted from his guilty plea to possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924 (2006). On appeal, he challenges the denial of his motion to suppress, arguing that he was unreasonably seized in violation of the Fourth Amendment and that any evidence resulting from such seizure should have been suppressed. We affirm.

Huckabee pleaded guilty without entering a conditional guilty plea pursuant to Rule 11(a)(2) of the Federal Rules of Criminal Procedure. An unconditional guilty plea generally waives all antecedent, nonjurisdictional errors. Tollett v. Henderson, 411 U.S. 258, 266-67 (1973). The right to challenge on appeal a Fourth Amendment issue raised in a motion to suppress is a nonjurisdictional defense and is therefore waived by an unconditional guilty plea. Haring v. Prosise, 462 U.S. 306, 320 (1983). Thus, as the Government asserts, Huckabee waived his right to challenge on appeal the denial of the motion to suppress.

Accordingly, we affirm Huckabee's conviction. 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