

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4430

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BERNARD EVERETT REESE,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:12-cr-00337-TDS-1)

Submitted: December 19, 2013

Decided: December 23, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Bernard Everett Reese pleaded guilty, pursuant to a conditional plea agreement, to being a felon in possession of a firearm. Counsel has filed an Anders v. California, 386 U.S. 738 (1967) brief, stating that there are no meritorious issues for appeal, but that Reese wished to challenge the denial of his motion to suppress a shotgun found during a search of his apartment. Reese filed a pro se supplemental brief reiterating the arguments by counsel. The Government declined to file a brief. We affirm.

In considering the denial of a suppression motion, we review the district court's legal determinations de novo and its factual findings for clear error. United States v. Kelly, 592 F.3d 586, 589 (4th Cir. 2010). The court "view[s] the facts in the light most favorable to the Government, as the party prevailing below." United States v. Black, 707 F.3d 531, 534 (4th Cir. 2013). The court also "defer[s] to the district court's credibility findings, as it is the role of the [trial] court to observe witnesses and weigh their credibility during a pre-trial motion to suppress." United States v. Griffin, 589 F.3d 148, 150-51 n.1 (4th Cir. 2009) (internal quotation marks omitted).

We have reviewed the transcript of the motion to suppress hearing and the district court's detailed ruling on the

motion and find no clear error in the district court's finding of facts or error in its legal conclusions. We defer to its credibility findings. Accordingly, there is no reason to reverse the ruling.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Reese's conviction and sentence. This court requires that counsel inform Reese, in writing, of the right to petition the Supreme Court of the United States for further review. If Reese requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Reese. 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