

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4055

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEONTE SPICER,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, District Judge. (1:15-cr-00046-IMK-MJA-1)

Submitted: November 28, 2016

Decided: December 2, 2016

Before AGEE, DIAZ, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Scott C. Brown, SCOTT C. BROWN LAW OFFICE, Wheeling, West Virginia, for Appellant. William J. Ihlenfeld, II, United States Attorney, Andrew R. Cogar, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A federal jury convicted Deonte Spicer for assault with a dangerous weapon with intent to do bodily harm, in violation of 18 U.S.C. § 113(a)(3) (2012). The district court sentenced Spicer to 70 months of imprisonment and he now appeals. Finding no error, we affirm.

On appeal, Spicer argues that the district court abused its discretion when it held the victim of the offense in civil, rather than criminal, contempt for refusing to testify without valid grounds for his refusal. Because Spicer failed to object to the district court's order of contempt, we review this issue for plain error. See In re Gates, 600 F.3d 333, 337 (4th Cir. 2010). Therefore, Spicer must demonstrate that (1) the district court committed an error, (2) that was plain, and (3) that the error affected Spicer's substantial rights. Id. Moreover, we will not exercise our discretion to recognize such an error unless it seriously affects the fairness, integrity, or public reputation of the judicial proceedings. Id. We have thoroughly reviewed the record and conclude that Spicer has failed to demonstrate that the district court plainly erred.

Accordingly, we affirm the judgment of the district court. 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