

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 2019

EMORY CHILES, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent

**APPENDIX A
ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

KRISTEN M. LEDDY
Assistant Federal Public Defender
Federal Public Defender's Office
For the Northern District of WV
651 Foxcroft Avenue, Suite 202
Martinsburg, WV 25401
(304) 260-9421
Counsel for Emory Chiles

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-4569

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

EMORY CHILES,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia,
at Clarksburg. Irene M. Keeley, Senior District Judge. (1:18-cr-00007-IMK-MJA-1)

Submitted: March 28, 2019

Decided: April 23, 2019

Before NIEMEYER, KING, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

L. Richard Walker, Senior Litigator, Clarksburg, West Virginia, Kristen Leddy, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Martinsburg, West Virginia, for Appellant. William J. Powell, United States Attorney, Zelda E. Wesley, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Following a jury trial, Emory Chiles was convicted of possession with intent to distribute heroin, use of a firearm during and in relation to a drug trafficking offense, and unlawful possession of a firearm. The district court sentenced Chiles to a total imprisonment term of 360 months. On appeal, Chiles challenges the propriety of the traffic stop of a vehicle in which Chiles was a passenger, the reasonableness of the duration of the stop, and whether the officers had reasonable suspicion to justify the frisk of him, which resulted in the officer discovering that Chiles was in possession of a firearm.

We review the factual findings underlying the denial of a motion to suppress for clear error and the court's legal conclusions de novo. *United States v. Bullette*, 854 F.3d 261, 265 (4th Cir. 2017). Additionally, we "construe the evidence in the light most favorable to the government—the prevailing party below." *Id.* (internal quotation marks omitted).

With these standards in mind, we have considered carefully the arguments raised by Chiles on appeal and conclude for the reasons stated by the district court that the court properly denied the motion to suppress. *United States v. Chiles*, No. 1:18-cr-00007-IMK-MJA-1 (N.D.W. Va. Apr. 13, 2018). Accordingly, we affirm the judgment of the district court entered on August 7, 2018. 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