

APPENDIX-A

4th CIR Court of Appeals

DENIAL ORDER IN

US v COHER, 19-4516

AFFIRMED 2/24/20

FILED: February 24, 2020

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4516
(7:18-cr-00477-DCC-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GREGORY PRESTON COKER, JR.

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 19-4516

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY PRESTON COKER, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Donald C. Coggins, Jr., District Judge. (7:18-cr-00477-DCC-1)

Submitted: February 20, 2020

Decided: February 24, 2020

Before GREGORY, Chief Judge, RUSHING, Circuit Judge, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

William G. Yarborough, III, Lauren C. Hobbis, WILLIAM G. YARBOROUGH III, ATTORNEY AT LAW, LLC, Greenville, South Carolina, for Appellant. Sherri A. Lydon, United States Attorney, Columbia, South Carolina, Maxwell B. Cauthen, III, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gregory Coker, Jr., appeals the 72-month sentence imposed following his guilty plea to possession with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) (2018). We have reviewed the record and conclude that the district court properly sentenced Coker as a career offender. South Carolina Code § 44-53-375 and § 44-53-445 are subject to the modified categorical approach, *see United States v. Furlow*, 928 F.3d 311, 320-22 (4th Cir. 2019); *United States v. Marshall*, 747 F. App'x 139, 149-50 (4th Cir. 2018) (argued but unpublished), so the district court correctly considered Coker's prior indictments and sentencing sheets pursuant to *Shepard v. United States*, 544 U.S. 13, 26 (2005). Based on those documents, the district court did not clearly err in its conclusion that Coker had two prior controlled substance convictions pursuant to U.S. Sentencing Guidelines Manual §§ 4B1.1, 4B1.2 (2018).

Accordingly, we affirm the district court's criminal 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

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. GREGORY PRESTON COKER, JR.,
Defendant - Appellant.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

2020 U.S. App. LEXIS 5521

No. 19-4516

February 24, 2020, Decided

Notice:

Decision text below is the first available text from the court; it has not been editorially reviewed by LexisNexis. Publisher's editorial review, including Headnotes, Case Summary, Shepard's analysis or any amendments will be added in accordance with LexisNexis editorial guidelines.

Opinion

{2020 U.S. App. LEXIS 1}Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Donald C. Coggins, Jr., District Judge. (7:18-cr-00477-DCC-1)

Submitted: February 20, 2020 Decided: February 24, 2020

Before GREGORY, Chief Judge, RUSHING, Circuit Judge, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

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Gregory Coker, Jr., appeals the 72-month sentence imposed following his guilty plea to possession with intent to distribute cocaine base, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C) (2018). We have reviewed the record and conclude that the district court properly sentenced Coker as a career offender. South Carolina Code § 44-53-375 and § 44-53-445 are subject to the modified categorical approach, see *United States v. Furlow*, 928 F.3d 311, 320-22 (4th Cir. 2019); *United States v. Marshall*, 747 F. App'x 139, 149-50 (4th Cir. 2018) (argued but unpublished), so the district court correctly considered Coker's prior indictments and{2020 U.S. App. LEXIS 2} sentencing sheets pursuant to *Shepard v. United States*, 544 U.S. 13, 26 (2005). Based on those documents, the district court did not clearly err in its conclusion that Coker had two prior controlled substance convictions pursuant to U.S. Sentencing Guidelines Manual §§ 4B1.1, 4B1.2 (2018).

Accordingly, we affirm the district court's criminal 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.

CIRHOT

APPENDIX - B

S.C CODE 44-53-375

**Additional material
from this filing is
available in the
Clerk's Office.**