

APPENDIX A

APPENDIX B

APPENDIX C

UNPUBLISHED

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

No. 21-4330

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONTE LAMONT DINGLE,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Deborah K. Chasanow, Senior District Judge. (1:19-cr-00204-DKC-1)

Submitted: November 29, 2022

Decided: January 27, 2023

Before AGEE and HEYTENS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Christopher M. Davis, Mary E. Davis, DAVIS & DAVIS, Washington, D.C.,
for Appellant. Erek L. Barron, United States Attorney, Brandon K. Moore, Assistant
United States Attorney, LaRai N. Everett, Assistant United States Attorney, OFFICE OF
THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donte Dingle was convicted by a jury of ten offenses arising from four armed robberies. See 18 U.S.C. §§ 922(g)(1), 924(c), 1951(a). The district court sentenced Dingle to 30 years of imprisonment, to be followed by 5 years of supervised release. Dingle raises three questions related to the search warrant of Dingle's room: whether the warrant was supported by probable cause; whether the warrant affidavit contained material misstatements and omissions; and whether the issuing magistrate had power to authorize a warrant. Dingle also objects to two of the district court's evidentiary rulings: its admission of witness testimony about the robbery suspect's shirt, and its limitation of Dingle's counsel's cross-examination of an FBI witness.

Before the district court, Dingle objected to the veracity of the warrant affidavit and whether the warrant was supported by probable cause. This Court thus reviews the district court's factual findings on those issues for clear error and its legal determinations de novo. *United States v. Scott*, 941 F.3d 677, 683 (4th Cir. 2019); *United States v. Jones*, 942 F.3d 634, 640 (4th Cir. 2019). Because Dingle objects to the issuing magistrate's authority for the first time before this Court, he must establish a plain error that affected his substantial rights. *United States v. Nelson*, 37 F.4th 962, 966 (4th Cir. 2022); see also Fed. R. Crim. P. 52(b). Finally, because Dingle made the same evidentiary objections before the district court and has thus preserved them, we review those rulings for abuse of discretion, mindful of whether any errors were harmless. See *United States v. Walker*, 32 F.4th 377, 394 (4th Cir. 2022).

We have carefully reviewed the record and have identified no reversible error. 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

FILED: February 24, 2023

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FOR THE FOURTH CIRCUIT

No. 21-4330
(1:19-cr-00204-DKC-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DONTÉ LAMONT DINGLE

Defendant - Appellant

O R D E R

The court denies the petitions for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Agee, Judge Heytens, and Senior Judge Keenan.

For the Court

/s/ Patricia S. Connor, Clerk**Exhibit
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