

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30799
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RAY BLAIR, also known as Ray Blair,
also known as Jay Brown,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CR-30023-1

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Charles Ray Blair appeals his conviction and sentence for conspiracy to possess with intent to distribute cocaine and cocaine base in violation of 21 U.S.C. §§ 841(a)(1) and 846. Blair argues that the indictment failed to allege a drug quantity or a leadership role in the offense in violation of Apprendi v. New Jersey, 530 U.S. 466 (2000). He also contends that 21 U.S.C. §§ 841(a), (b), and 846 are unconstitutional.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Although Blair's indictment did not allege a drug quantity or leadership role, he was not sentenced in excess of the 20-year statutory maximum under 21 U.S.C. § 841(b)(1)(C). Consequently, there was no Apprendi violation. United States v. Doggett, 230 F.3d 160, 166 (5th Cir. 2000), cert. denied, 531 U.S. 1177 (2001); United States v. Keith, 230 F.3d 784, 787 (5th Cir. 2000), cert. denied, 531 U.S. 1182 (2001). The constitutionality of 21 U.S.C. §§ 841(a), (b), and 846 has been upheld by this court. See United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied, 532 U.S. 1045 (2001). Accordingly, Blair's conviction and sentence are AFFIRMED.