IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 94-40470
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MELVIN L. SEWELL,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Louisiana
(5:93-50066-01)

(November 2, 1994)

Before KING, JOLLY, and DeMOSS, Circuit Judges.

PER CURIAM:[*]

Shreveport police apprehended Sewell as he fled a residence for which police had obtained a search warrant. During the pursuit, Sewell threw a loaded, nine millimeter semi-automatic pistol to the ground under the residence. When the officers apprehended Sewell, they searched him and found 84 rocks of crack cocaine weighing approximately 14.9 grams in his pocket.

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[*]Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

Melvin L. Sewell was charged in a three-count indictment with possession with intent to distribute five grams or more of a mixture and substance which contained cocaine base (Count One), possession of a firearm during and in relation to a drug trafficking crime (Count Two), and of possession of a firearm as a felon (Count Three).

Sewell pleaded guilty to Counts One and Two. Because Sewell had two prior convictions for possession of controlled substances for sale, the Government could have enhanced his sentence. See 21 U.S.C. § 851. However, in exchange for the plea, the government moved to dismiss Count Three and dropped the sentence enhancement. The district court granted the motion.

In the district court, Sewell was represented on separate occasions by three separate attorneys of his choice prior to entering his plea. After he entered his plea and when Sewell appeared for sentencing, he moved to withdraw his guilty plea, basing his motion on his attorney's alleged inadequate representation. The court heard Sewell's arguments but denied the motion.

Sewell now appeals the denial of his motion to withdraw his guilty plea.

On appeal, Sewell asserts his innocence and maintains that his plea was not voluntary because of the ineffectiveness of his counsel. The district court considered the reasons he now asserts as the basis for his motion to withdraw the plea. Our review of

this appeal clearly convinces us that the majority of the Carr factors, see U.S. v. Carr, 740 F.2d 339, 343-44 (5th Cir. 1984), cert. denied, 47 U.S. 1004 (1985), weigh in favor of the district court's decision denying his motion. We therefore hold that under the "totality of the circumstances," Carr, 740 F.2d at 344, the district court did not abuse its discretion when it denied Sewell's motion to withdraw his guilty plea. The judgment of the district court is therefore

A F F I R M E D.