

OCT 01 2007

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMAR S. DICKERSON,

Defendant - Appellant.

No. 06-30523

D.C. No. CR-06-00035-JLQ

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Justin L. Quackenbush, Senior District Judge, Presiding

Submitted September 24, 2007**

Before: CANBY, TASHIMA, and RAWLINSON, Circuit Judges.

Jamar S. Dickerson appeals from the 169-month sentence imposed following his guilty-plea conviction for conspiracy to distribute 5 kilograms or more of cocaine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(ii).

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Dickerson contends that the district court should not have relied on hearsay statements in its drug-quantity determination at sentencing. He further asserts that this rendered his sentence unreasonable. We reject his contentions.

The record reflects that the individual who made the disputed statements was present at an evidentiary hearing conducted by the district court, and that Dickerson refused the government's offer for the individual to testify. *See United States v. Vargas*, 933 F.2d 701, 707 n.6 (9th Cir. 1991) (“[H]earsay problems . . . can be waived.”); *see also United States v. King*, 552 F.2d 833, 844 (9th Cir. 1976) (“[B]y failing to avail themselves of the opportunity to cross-examine the Government witnesses . . . the appellants . . . gave up . . . the right . . . to object to future use of the testimony.”). Furthermore, Dickerson did not object to the reliability of this evidence in his objections to the presentence report, or during the sentencing hearing. *See United States v. Charlesworth*, 217 F.3d 1155, 1160-61 (9th Cir. 2000) (rejecting the contention that the district court's reliance on undisputed hearsay statements was improper); *see also United States v. Romero-Rendon*, 198 F.3d 745, 750 (9th Cir. 1999). Therefore, we affirm the district court.

AFFIRMED.