



*No. 09-4579*  
*United States v. Cofer*

on a motion to suppress evidence unless he has preserved the right to do so in a written plea agreement under Criminal Rule 11(a)(2).”).

The remaining claim is meritless. Section 2252(b)(2) requires the district court to impose a minimum sentence of ten years’ incarceration where a defendant previously committed a qualifying prior conviction, *see* 18 U.S.C. § 2252(b)(2), and *Apprendi* explicitly permits a district court to find such a fact and rely on it to increase a defendant’s punishment. *See Apprendi*, 530 U.S. at 490.

We **AFFIRM** Cofer’s sentence.