

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

FREDERICK WILLIAM FARRINGTON,
Defendant-Appellant.

No. 00-4397

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
James A. Beaty, Jr., District Judge.
(CR-99-127)

Submitted: December 8, 2000

Decided: December 22, 2000

Before MICHAEL and TRAXLER, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Douglas T. Simons, SIMONS & ASSOCIATES, Durham, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Angela H. Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Frederick Farrington appeals his conviction and 116 month sentence for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) and § 924(a)(2) (West Supp. 2000). We affirm.

Farrington contends that the district court erred in denying his motion, under Fed. R. Crim. P. 29, for acquittal based on insufficient evidence. When a motion for judgment of acquittal is based on the claim that the evidence was insufficient, this Court reviews the denial under the sufficiency of the evidence standard. *See United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998), *cert. denied*, 525 U.S. 1141 (1999). The conviction must be affirmed if the evidence, viewed in the light most favorable to the government, is sufficient for any rational jury to find the elements of the offense beyond a reasonable doubt. *United States v. Burgos*, 94 F.3d 849, 862 (4th Cir. 1996). In evaluating the sufficiency of the evidence, we do not review the credibility of the witnesses, and we assume that the jury resolved all contradictions in the testimony in favor of the government. *Romer*, 148 F.3d at 364.

We have reviewed the record and briefs and find sufficient evidence to support Farrington's conviction. Accordingly, we affirm Farrington's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

FREDERICK WILLIAM FARRINGTON,
Defendant-Appellant.

No. 00-4397

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
James A. Beaty, Jr., District Judge.
(CR-99-127)

Submitted: December 8, 2000

Decided: December 22, 2000

Before MICHAEL and TRAXLER, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Douglas T. Simons, SIMONS & ASSOCIATES, Durham, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Angela H. Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Frederick Farrington appeals his conviction and 116 month sentence for possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1) and § 924(a)(2) (West Supp. 2000). We affirm.

Farrington contends that the district court erred in denying his motion, under Fed. R. Crim. P. 29, for acquittal based on insufficient evidence. When a motion for judgment of acquittal is based on the claim that the evidence was insufficient, this Court reviews the denial under the sufficiency of the evidence standard. *See United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998), *cert. denied*, 525 U.S. 1141 (1999). The conviction must be affirmed if the evidence, viewed in the light most favorable to the government, is sufficient for any rational jury to find the elements of the offense beyond a reasonable doubt. *United States v. Burgos*, 94 F.3d 849, 862 (4th Cir. 1996). In evaluating the sufficiency of the evidence, we do not review the credibility of the witnesses, and we assume that the jury resolved all contradictions in the testimony in favor of the government. *Romer*, 148 F.3d at 364.

We have reviewed the record and briefs and find sufficient evidence to support Farrington's conviction. Accordingly, we affirm Farrington's conviction and sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED