

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOEL JAIMES AVILES, a/k/a Felix
Jaimes,

Defendant-Appellant.

No. 00-4418

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
James A. Beaty, Jr., District Judge.
(CR-99-261)

Submitted: February 16, 2001

Decided: March 26, 2001

Before WILKINS, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. Matthew Martin, MARTIN & MARTIN, P.A., Hillsborough, North Carolina, for Appellant. Walter C. Holton, Jr., United States Attorney, Sandra J. Hairston, 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Unpublished opinions are not binding precedent in this circuit.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:

Joel Jaimes Aviles appeals his conviction following a jury trial for (1) conspiracy to distribute cocaine hydrochloride in violation of 21 U.S.C. § 846 (1994); (2) possession with intent to distribute cocaine hydrochloride in violation of 21 U.S.C.A. § 841(a)(West 1994 & Supp. 2000); and (3) possession of a firearm during and in relation to a drug trafficking offense, aiding and abetting that crime in violation of 18 U.S.C.A. §§ 924(c) & 2 (West 2000). In the sole issue raised by Aviles in this appeal, he contends that the district court erred in denying his Fed. R. Crim. P. 29 motion for acquittal because the evidence was insufficient to prove that he knowingly participated in the offenses.

This court reviews the denial of a motion for acquittal under a sufficiency of the evidence standard. *See* Fed. R. Crim. P. 29; *See Glasser v. United States*, 315 U.S. 60, 80 (1942); *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). The sufficiency of the evidence in a criminal case is determined by viewing the evidence in a light most favorable to the government. 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 Aviles' conviction. Accordingly, we affirm Aviles' 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