

UNPUBLISHED  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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
KELVIN BARTON, <i>Defendant-Appellant.</i>

No. 00-4454

Appeal from the United States District Court  
for the District of South Carolina, at Charleston.  
David C. Norton, District Judge.  
(CR-99-740)

Submitted: March 8, 2001

Decided: March 20, 2001

Before MOTZ, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Charles E. Johnson, Sr., JOHNSON & ASSOCIATES, P.A., Columbia, South Carolina, for Appellant. J. Rene Josey, United States Attorney, Brucie Howe Hendricks, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

A jury convicted Kelvin Barton of bank robbery and using and carrying a firearm during and in relation to a crime of violence, and the district court sentenced him to 135 months' imprisonment. We affirm.

Barton asserts insufficient evidence was presented at trial to identify him as the bank robber. When assessing the sufficiency of the evidence of a criminal conviction on direct review, "[t]he verdict of a jury must be sustained if there is substantial evidence, taking the view most favorable to the Government, to support it." *Glasser v. United States*, 315 U.S. 60, 80 (1942). Further, it is well established that a jury's determination regarding witness credibility is not reviewable on appeal. *United States v. Saunders*, 886 F.2d 56, 60 (4th Cir. 1989).

The Government established at trial that Barton drove a black Acura Legend on the day of the robbery and had inside this car a ski mask and a handgun fitting the description of those employed by the bank robber. There was also testimony from the victim bank teller describing the robber; further testimony was provided by a man who saw the robber running from the bank and at whom the robber pointed a gun, as well as testimony from witnesses who identified the robber's car as a black Acura Legend. After considering the evidence linking Barton to the robbery and the witnesses' descriptions of the robber, the jury clearly resolved any identification issue against Barton. Accordingly, viewing the evidence in the light most favorable to the Government, we conclude there was sufficient evidence supporting the jury verdict.

We therefore affirm Barton'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*