

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

SHAUN AUTALEON POSTON, a/k/a  
Shawn Autaleon Poston,  
*Defendant-Appellant.*

No. 01-4247

Appeal from the United States District Court  
for the Western District of North Carolina, at Statesville.  
Richard L. Voorhees, District Judge.  
(CR-99-12)

Submitted: January 14, 2002

Decided: February 1, 2002

Before WILLIAMS and KING, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Mark P. Foster, Jr., Charlotte, North Carolina, for Appellant. Robert  
J. Conrad, Jr., United States Attorney, Gretchen C. F. Shappert, Assis-  
tant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

#### PER CURIAM:

Shaun Autaleon Poston was charged in a one-count superseding indictment with conspiracy to possess with intent to distribute cocaine and cocaine base in violation of 21 U.S.C.A. §§ 841(a)(1), 841(b)(1)(A)(ii), 841(b)(1)(A)(iii), 846 (West 1999). Poston was convicted following a jury trial and sentenced to 360 months in prison and five years of supervised release. Because we find no reversible error, we affirm.

On appeal, Poston argues: (1) the evidence presented at trial was insufficient to support his conviction; (2) the district court improperly concluded he was responsible for in excess of 1.5 kilograms of cocaine base; and (3) a two-level enhancement was not warranted because there was insufficient evidence that he possessed a dangerous weapon. We review the verdict to determine "whether 'there is substantial evidence, taking the view most favorable to the government,' to support the conviction." *United States v. Ismail*, 97 F.3d 50, 55 (4th Cir. 1996) (quoting *Glasser v. United States*, 315 U.S. 60, 80 (1942)). We do not review a witness's credibility in assessing whether the evidence was sufficient to support a conviction. *United States v. Hobbs*, 136 F.3d 384, 391 n.11 (4th Cir. 1998). We have reviewed the evidence presented at trial and, when taken in the light most favorable to the Government, we conclude the evidence is sufficient to support Poston's conviction.

We review the district court's factual findings regarding Poston's sentencing for clear error and its application of the sentencing guidelines de novo. *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989). We have reviewed the district court's findings and have found no error. Accordingly, we affirm Poston'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*