

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

HOWARD ELLIOT BROWN,
Defendant-Appellant.

No. 01-4251

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
Frank W. Bullock, Jr., District Judge.
(CR-00-232)

Submitted: September 25, 2001

Decided: October 19, 2001

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

Affirmed by unpublished per curiam opinion.

COUNSEL

J. Clark Fischer, RANDOLPH & FISCHER, Winston-Salem, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Douglas Cannon, 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Unpublished opinions are not binding precedent in this circuit.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:

Howard Elliot Brown was found guilty by a jury of two counts of transporting stolen motor vehicles in interstate commerce, pursuant to 18 U.S.C. §§ 2, 2312 (1994). The court imposed a sentence of forty-seven months incarceration. This appeal followed.

Brown challenges the sufficiency of the evidence to support his conviction. The elements of 18 U.S.C. § 2312 are: (1) the defendant transported or caused to be transported in interstate commerce; (2) a stolen vehicle; (3) which the defendant knew to be stolen. *United States v. Chorman*, 910 F.2d 102, 110 (4th Cir. 1990). Brown challenges only the district court's denial of his motion for acquittal, Fed. R. Crim. P. 29, based on his claim that the evidence was not sufficient to support a finding that he had knowledge the motor vehicles he sold were stolen.

Brown's 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. *Glasser v. United States*, 315 U.S. 60, 80 (1942); *United States v. Burgos*, 94 F.3d 849, 862 (4th Cir. 1996) (en banc). 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. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). An inference of knowledge of the stolen character of property arises from unexplained possession of recently stolen property. *United States v. Chorman*, 910 F.2d at 113; *Battaglia v. United States*, 205 F.2d 824, 826 (4th Cir. 1953). With these standards in mind, our review of the briefs and joint appendix makes clear that there was sufficient evidence to support Brown's convictions.

Accordingly, we affirm Brown's convictions. 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