

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

RICHARD A. ORR,  
*Defendant-Appellant.*

No. 01-4500

Appeal from the United States District Court  
for the Western District of Virginia, at Big Stone Gap.  
James P. Jones, District Judge.  
(CR-00-167)

Submitted: October 19, 2001

Decided: November 1, 2001

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

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Charles L. Bledsoe, BLEDSOE LAW OFFICE, P.C., Big Stone Gap,  
Virginia, for Appellant. Ruth E. Plagenhoef, United States Attorney,  
Eric M. Hurt, Assistant United States Attorney, Abingdon, Virginia,  
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Unpublished opinions are not binding precedent in this circuit.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:

Richard A. Orr appeals his convictions for stealing a firearm and possessing a stolen firearm, contending that his motion for judgment of acquittal should have been granted because the evidence was insufficient to support his convictions. In reviewing the sufficiency of the evidence, the relevant question is not whether the court is convinced of guilt beyond a reasonable doubt, but rather whether the evidence, when viewed in the light most favorable to the Government, was sufficient for a rational trier of fact to have found the essential elements of the crime beyond a reasonable doubt. *United States v. Burgos*, 94 F.3d 849, 862-63 (4th Cir. 1996) (en banc). Finding no error, we affirm.

At the bench trial, the combined testimony of the Government's witnesses established that Reed Williams was in possession of a .38 Rossi firearm shortly before his contact with Orr and Orr's female friend. Orr had access to the weapon when he sat in the back seat of Williams' truck with the gun and again when he drove the truck for a short while by himself. Immediately after dropping off Orr and his friend, Williams noted the Rossi was missing. Approximately one-and-a-half-months later, Orr sold a Rossi to Rodney Middleton. Both Williams and Middleton positively identified the gun proffered by the Government as Exhibit One.

The trial court clearly chose to believe the Government's witnesses, and we will not review the trial court's credibility determinations. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). Thus, we affirm Orr'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*