

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LARRY WARREN JOHNSON,
Defendant-Appellant.

No. 01-4535

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LARRY WARREN JOHNSON,
Defendant-Appellant.

No. 01-4536

Appeals from the United States District Court
for the Eastern District of North Carolina, at Wilmington.
James C. Fox, Senior District Judge.
(CR-00-53-F, CR-00-52-F)

Submitted: June 27, 2002

Decided: October 1, 2002

Before WIDENER, WILLIAMS, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Joseph B. Gilbert, MCNEIL & GILBERT, Jacksonville, North Carolina, for Appellant. John Stuart Bruce, United States Attorney, Anne

M. Hayes, Assistant United States Attorney, Felice McConnell Corpening, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Larry Warren Johnson was convicted by a jury on one indictment of theft of U.S. Postal Service money orders, 18 U.S.C.A. § 500 (West 2000), submission of false documents to the U.S. Postal Service, 18 U.S.C.A. § 1001(a)(3) (West 2000), and misappropriation of U.S. Postal Service funds by a postal service employee, 18 U.S.C.A. § 1711 (West 2000). On a separate indictment, the jury convicted Johnson of robbery of a U.S. Postal Service highway contract driver, 18 U.S.C.A. § 2114 (West 2000), and brandishing a firearm during a crime of violence, 18 U.S.C.A. § 924(c)(1)(A)(ii) (West 2000). Johnson was sentenced to 130 months imprisonment. On appeal, he maintains that there was insufficient evidence to support his convictions for postal robbery and brandishing a firearm. We affirm.

This court must affirm the conviction if there is substantial evidence, when viewed in the light most favorable to the Government, to support the verdict. *Glasser v. United States*, 315 U.S. 60, 80 (1942). In determining whether the evidence is substantial, this court views the evidence in the light most favorable to the Government and inquires whether there is evidence sufficient to support a finding of guilt beyond a reasonable doubt. *United States v. Burgos*, 94 F.3d 849, 862 (4th Cir. 1996) (en banc). In evaluating the sufficiency of the evidence, this court does not review witness credibility and assumes the fact finder resolved all contradictions in the evidence in the Government's favor. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). The fact finder, not the reviewing court, weighs the

credibility of the evidence and resolves any conflicts in the evidence presented, and if the evidence supports different reasonable interpretations, the jury decides which to believe. *United States v. Murphy*, 35 F.3d 143, 148 (4th Cir. 1994).

We have carefully reviewed the record and we find sufficient evidence to support Johnson's convictions for postal robbery and brandishing a firearm. Accordingly, we affirm Johnson's convictions 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