

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DANIEL LESLIE HOLDREN,
Defendant-Appellant.

No. 01-4832

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
Leonie M. Brinkema, District Judge.
(CR-01-221)

Submitted: November 22, 2002

Decided: December 12, 2002

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

Affirmed by unpublished per curiam opinion.

COUNSEL

Gregory B. English, ENGLISH & SMITH, Alexandria, Virginia, for
Appellant. Paul J. McNulty, United States Attorney, James J. Fred-
ricks, Special Assistant United States Attorney, Alexandria, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Daniel Leslie Holdren appeals his conviction for driving a vehicle after being declared a habitual offender in violation of 18 U.S.C. § 13 (2000) (assimilating Va. Code § 46.2-357(A), (B)(3) (Michie 2002)). He first challenges the sufficiency of the evidence introduced at trial to support his conviction. Second, he claims the district court abused its discretion in admitting his three prior convictions for driving after being declared a habitual offender. Finally, he argues that even if the prior convictions were admissible, they were not properly authenticated.

We have carefully reviewed the record and conclude the Government produced ample evidence that Holdren knowingly drove a vehicle after being declared a habitual offender. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *Glasser v. United States*, 315 U.S. 60, 80 (1942). Thus, we find Holdren's sufficiency of the evidence claim meritless.

We further find the district court did not abuse its discretion in admitting Holdren's prior convictions for driving while being declared a habitual offender. A district court will not be found to have abused its discretion unless its decision to admit evidence was arbitrary or irrational. *United States v. Haney*, 914 F.2d 602, 607 (4th Cir. 1990). The prior convictions were properly admitted as an element of Holdren's felony offense. Moreover, they were properly admitted as proof of Holdren's knowledge of his habitual offender status under Fed. R. Evid. 404(b) and to impeach Holdren's credibility under Fed. R. Evid. 609. *See United States v. Queen*, 132 F.3d 991, 995 (4th Cir. 1997); *Roshan v. Fard*, 705 F.2d 102, 104 (4th Cir. 1983). Finally, we find the district court properly admitted Holdren's Virginia Department of Motor Vehicles driving record as a certified public record under Fed. R. Evid. 803(8). *See Fed. R. Evid. 902(1); Kay v. United States*, 255 F.2d 476, 479 (4th Cir. 1958).

Accordingly, we affirm Holdren'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