

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

TYUANE KANYATTE FOY,  
*Defendant-Appellant.*

No. 01-4838

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
William L. Osteen, District Judge.  
(CR-01-175)

Submitted: January 31, 2003

Decided: February 14, 2003

Before LUTTIG and TRAXLER, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Sofie Wonderly Hosford, HOSFORD & HOSFORD, P.L.L.C., Wil-  
mington, North Carolina, for Appellant. Anna Mills Wagoner, United  
States Attorney, Robert A. J. Lang, Assistant United States Attorney,  
Winston-Salem, 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Unpublished opinions are not binding precedent in this circuit.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:

Tyuane Kanyatte Foy appeals his conviction and 120-month sentence following a jury trial on a single count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (2000). Foy was arrested following a car chase in which the rear passenger discarded a nylon bag containing a firearm. On appeal, Foy claims the district court improperly denied his motions for acquittal as the United States failed to adduce sufficient evidence to prove he had actual or constructive possession of that firearm. For the reasons that follow, we affirm his conviction.

This Court reviews a district court's denial of a motion for judgment of acquittal de novo to ascertain whether the evidence is sufficient for any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt in the light most favorable to the Government. *United States v. Romer*, 148 F.3d 359, 364 (4th Cir. 1998). In reviewing the sufficiency of the evidence, this court does not weigh the sufficiency of the evidence or assess the credibility of witnesses and must assume the jury resolved all contradictions in favor of the Government. *Id.*

With these standards in mind, we conclude there was sufficient evidence for the jury to find beyond a reasonable doubt that Foy possessed the firearm in question. Testimony at trial indicated Foy, wearing a jacket with white sleeves, was seated behind the driver of the car both before and after the chase and that an arm in a white sleeve discarded the bag from the rear window on the driver's side. We find this circumstantial evidence sufficient to support the jury's finding that Foy possessed the firearm. *See United States v. Schocket*, 753 F.2d 336, 340 (4th Cir. 1985) (discussing possession of narcotics).

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Accordingly, we affirm Foy's conviction. 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*