

UNPUBLISHED

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
CLYDE DAVID WEAVER, <i>Defendant-Appellant.</i>

No. 01-5019

Appeal from the United States District Court  
for the Western District of North Carolina, at Shelby.  
Lacy H. Thornburg, District Judge.  
(CR-95-43)

Submitted: November 7, 2002

Decided: December 23, 2002

Before TRAXLER, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Marc Seguinot, LAW OFFICE OF MARC SEGUINOT, Fairfax, Virginia, for Appellant. Robert J. Conrad, Jr., United States Attorney, Thomas R. Ascik, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Clyde David Weaver appeals his jury convictions for possession of marijuana with intent to distribute, in violation of 21 U.S.C. § 841(a)(1) (2000), carrying a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (2000), and possession of a machine gun, in violation of 18 U.S.C. § 922(o) (2000). Finding no reversible error, we affirm.

Weaver first contends the evidence presented at trial was insufficient to sustain his convictions. To determine whether there was sufficient evidence to support a conviction, this Court considers whether, taking the evidence in the light most favorable to the Government, any reasonable trier of fact could have found the defendant guilty beyond a reasonable doubt. *Glasser v. United States*, 315 U.S. 60, 80 (1942). This Court does not weigh the evidence or determine the credibility of the witnesses. Rather, the jury verdict must be upheld if there is substantial evidence to support the verdict. *Id.*; *United States v. Murphy*, 35 F.3d 143, 148 (4th Cir. 1994). A defendant challenging the sufficiency of the evidence to support his conviction faces a heavy burden. *United States v. Beidler*, 110 F.3d 1064, 1067 (4th Cir. 1997). With these standards in mind, we find the evidence was sufficient to support all of the jury convictions.

Weaver next contends the district court erred in denying his motion to suppress evidence obtained in a warrantless search of his vehicle. This Court reviews the factual findings underlying the denial of a motion to suppress for clear error, while reviewing the legal determinations de novo. *United States v. Rusher*, 966 F.2d 868, 873 (4th Cir. 1992). Viewing the evidence in the light most favorable to the Government, as we must, *see United States v. Seidman*, 156 F.3d 542, 547 (4th Cir. 1998), we find the district court did not err in denying Weaver's motion.

Accordingly, we affirm Weaver'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*