

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

DOUGLAS EMANUEL FOREMAN,  
*Defendant-Appellant.*

No. 02-4016

Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
Henry C. Morgan, Jr., District Judge.  
(CR-01-90)

Submitted: July 23, 2002

Decided: September 24, 2002

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

I. Lionel Hancock, III, BOHANNON, BOHANNON & HANCOCK,  
P.C., Norfolk, Virginia, for Appellant. Paul J. McNulty, United States  
Attorney, James Ashford Metcalfe, Assistant United States Attorney,  
Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Douglas Emanuel Foreman appeals his convictions on three counts of firearm and drug offenses, one count of possession of a firearm in furtherance of a drug trafficking crime in violation of 21 U.S.C.A. § 924(c)(1) (West 2000), one count of witness tampering in violation of 18 U.S.C. § 1512(b)(1) (1994), and one count of assault and battery in retaliation against a witness in violation of 18 U.S.C. § 1513(b)(2) (1994). He raises three claims on appeal. First, he argues that the evidence adduced at trial was insufficient as a matter of law to prove that he possessed a firearm in furtherance of a drug trafficking crime. Second, he claims the district court erred in overruling his objection to the discharge of the first alternate juror. Finally, he challenges the district court's decision to reject his motion to overrule the verdict on all six counts as contrary to the law and evidence introduced at trial.

We have considered Foreman's claims and reject them as meritless. Sufficient evidence existed to support the jury's finding that Foreman possessed firearms in furtherance of drug trafficking crimes. *See United States v. Lomax*, 293 F.3d 701, 705 (4th Cir. 2002). Moreover, the district court did not abuse its discretion in choosing the second alternate juror to serve on the jury rather than the first. In addition, Foreman fails to establish any prejudice resulting from the court's action. *See United States v. Nelson*, 102 F.3d 1344, 1349 (4th Cir. 1996). Finally, sufficient evidence existed for the jury to find Foreman guilty on all six counts. The jury chose to credit the Government's witnesses over Foreman's witnesses. The district court had no reason to doubt the sufficiency or weight of the evidence and properly denied Foreman's motion to overturn the verdict.

Accordingly, we affirm Foreman's convictions on all counts. 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*