

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4540**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MICHAEL BAKER,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (CR-03-32)

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Submitted: November 7, 2003

Decided: May 26, 2004

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

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Affirmed by unpublished per curiam opinion.

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Samuel P. Simpson, V, MONTGOMERY & SIMPSON, L.L.P., Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Charles E. James, Jr., Assistant United States Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Baker was convicted of aiding and abetting the distribution of cocaine base in violation of 21 U.S.C. § 841(b)(1)(C) (2000) and 18 U.S.C. § 2 (2000). On appeal, he alleges the evidence was insufficient to support his conviction.

We find that there is substantial evidence, taking the view most favorable to the Government, to support the jury's verdict. See United States v. Glasser, 315 U.S. 60, 80 (1942). Baker's counsel drew the jury's attention to a discrepancy in the descriptions of Baker's clothing, and we must assume that the jury resolved this issue in the Government's favor. See United States v. Wilson, 115 F.3d 1185, 1190 (4th Cir. 1997). Thus, we affirm. 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