

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4041

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIE J. CANNON, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, District Judge. (CR-03-181)

Submitted: June 18, 2004

Decided: July 9, 2004

Before WIDENER, WILKINSON, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Lassiter, Jr., JEFFERSON & LASSITER, Richmond, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Michael J. Elston, Charles E. James, Jr., Assistant United States Attorneys, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie J. Cannon, Jr., appeals his conviction and sentence for being a convicted felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (2000). For the following reasons, we affirm.

Cannon argues the district court erred when it denied his motion to suppress statements he made at the time of his arrest. We review the denial of a motion to suppress evidence de novo. United States v. Hamlin, 319 F.3d 666, 671 (4th Cir. 2003). We review the evidence in the light most favorable to the Government, and review the district court's findings of fact for clear error. Id.

The issue Cannon raises is whether he was advised of his rights under Miranda v. Arizona, 384 U.S. 436 (1966). We conclude that because the district court found credible the testimony of two law enforcement officers that Cannon was advised of his rights when he was arrested and Cannon has not shown the district court's finding was clearly erroneous, the district court properly denied Cannon's motion to suppress.

Cannon also argues there was insufficient evidence to support his conviction. We consider whether "there is substantial evidence, taking the view most favorable to the Government, to support it." Glasser v. United States, 315 U.S. 60, 80 (1942). "[S]ubstantial evidence is evidence that a reasonable finder of

fact could accept as adequate and sufficient to support a conclusion of a defendant's guilt beyond a reasonable doubt." United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc). We conclude that viewing the evidence in the light most favorable to the Government, there was sufficient evidence that Cannon knowingly possessed both firearms.

Accordingly, we affirm Cannon'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