

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 05-4855**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JESSIE SCOTT,

Defendant - Appellant.

---

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T. S. Ellis, III, District Judge. (CR-04-453)

---

Submitted: February 28, 2006

Decided: March 16, 2006

---

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Bruce A. Johnson, Jr., BRUCE A. JOHNSON, JR., L.L.C., Bowie, Maryland, for Appellant. Paul J. McNulty, United States Attorney, Owen M. Kendler, Special Assistant United States Attorney, G. David Hackney, Assistant United States Attorney, Alexandria, Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jessie Scott appeals his conviction by a jury of conspiracy to possess with intent to distribute more than fifty grams of crack cocaine and more than five kilograms of cocaine, in violation of 21 U.S.C. § 846 (2000), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C.A. § 924(c)(1) (West 2000 & Supp. 2005). He contends that the district court erred by denying his motion for judgment of acquittal pursuant to Fed. R. Crim. P. 29, and that the Government failed to prove that venue was proper. We affirm.

Scott contends that the evidence did not support his conspiracy and § 924(c) convictions. We review de novo the district court's denial of a Rule 29 motion. United States v. Alerre, 430 F.3d 681, 693 (4th Cir. 2005). Where, as here, the motion was based on a claim of insufficient evidence, "[t]he verdict of a jury must be sustained if 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). We have reviewed the trial testimony in the joint appendix and are convinced that the evidence was sufficient to convict Scott. See United States v. Strickland, 245 F.3d 368, 384-85 (4th Cir. 2001) (discussing elements of conspiracy offense); United States v. Wilson, 135 F.3d 291, 305 (4th Cir. 1998) (upholding § 924(c) conviction based on acts of co-conspirator); see also United

States v. Sun, 278 F.3d 302, 313 (4th Cir. 2002) (“[W]e do not review the credibility of the witnesses and assume the jury resolved all contradictions in the testimony in favor of the government.”).

Scott also asserts that the Government failed to prove that venue was proper in the Eastern District of Virginia. The trial testimony belies his claim. See United States v. Bowens, 224 F.3d 302, 311 n.4 (4th Cir. 2000) (recognizing that “in a conspiracy charge, venue is proper for all defendants wherever the agreement was made or wherever any overt act in furtherance of the conspiracy transpires”).

Accordingly, we affirm Scott’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