

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4513

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEROY N. INGRAM,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Henry E. Hudson, District Judge. (3:05-cr-00500-HEH)

Submitted: February 9, 2007

Decided: February 26, 2007

Before WILKINSON, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Peter D. Eliades, ELIADES & ELIADES, Hopewell, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Angela Mastandrea-Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leroy N. Ingram appeals his jury conviction and sentence for possessing with intent to distribute five or more grams of cocaine base in violation of 21 U.S.C. § 841 (2000). Ingram contends the evidence was insufficient for the jury to find him guilty of either possessing the cocaine base or possessing it with intent to distribute. We affirm.

We must sustain a jury's verdict 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). Substantial evidence is that which a reasonable finder of fact could accept as adequate and sufficient to support a conclusion of guilt beyond a reasonable doubt. United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc).

We do not review the credibility of witnesses or decide between differing reasonable interpretations of the evidence. United States v. Wilson, 118 F.3d 228, 234 (4th Cir. 1997). Reversal for insufficient evidence is reserved for the rare case in which the prosecution's failure is clear. United States v. Beidler, 110 F.3d 1064, 1067 (4th Cir. 1997).

Ingram argues there was no credible evidence explaining how he was able to hide the drugs on his person or supporting the confession he made to police. Moreover he contends the physical evidence was insufficient to prove he intended to distribute the

drugs. We have reviewed the record and conclude the evidence was sufficient to support Ingram's conviction.

Accordingly, we affirm Ingram'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