

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4376

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PALMER R. ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, Senior District Judge. (8:15-cr-00598-DKC-1)

Submitted: October 12, 2016

Decided: November 4, 2016

Before DIAZ and HARRIS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Hughie Duvall Hunt, II, KEMET HUNT LAW GROUP, College Park, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Mara V.J. Senn, Special Assistant United States Attorney, Jane F. Nathan, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In a bench trial before a magistrate judge, Palmer Robinson was convicted of driving under the influence and operating a vehicle with a blood or breath alcohol content of .08 or more, in violation of 36 C.F.R. § 4.23(a)(1), (2) (2016); unsafe operation of a motor vehicle and failure to maintain control, in violation of 36 C.F.R. § 4.22(b)(1), (3) (2016); and vandalism of Government property, in violation of 36 C.F.R. § 2.31(a)(3) (2016). The district court affirmed his convictions. See United States v. Bursey, 416 F.3d 301, 305 (4th Cir. 2005) (providing standard of review). On appeal, Robinson argues that the magistrate judge erred in taking judicial notice that the U.S. Park Police is authorized to perform law enforcement functions on land owned by the U.S. Fish and Wildlife Service and that the Government's evidence at trial was insufficient to support his convictions. We affirm.

"We review evidentiary rulings for abuse of discretion." United States v. Faulls, 821 F.3d 502, 508 (4th Cir. 2016). We will reverse an evidentiary ruling only when the magistrate judge's determination "was arbitrary or irrational." Id. Our review of the record on appeal convinces us that the magistrate judge did not abuse his discretion in relying on an officer's testimony to take judicial notice that the U.S. Park Police is

authorized to perform law enforcement functions on land owned by the U.S. Fish and Wildlife Service. See Fed. R. Evid. 201.

Robinson also argues that the Government failed to present sufficient evidence to support his convictions. "We review a challenge to the sufficiency of the evidence de novo and . . . must sustain a verdict if there is substantial evidence, viewed in the light most favorable to the government, to support it." United States v. Bran, 776 F.3d 276, 279 (4th Cir. 2015) (citations omitted), cert. denied, 136 S. Ct. 792 (2016). We have reviewed the trial testimony and conclude that sufficient evidence supports the magistrate judge's findings of guilt. To the extent Robinson challenges the magistrate judge's credibility findings, "we defer to the [fact finder]'s determinations of credibility and resolutions of conflicts in the evidence, as they are within the sole province of the [fact finder] and are not susceptible to judicial review." United States v. Louthian, 756 F.3d 295, 303 (4th Cir. 2014) (internal quotation marks omitted).

Accordingly, we affirm the criminal judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED