

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 98-4824

BRUCE SHELTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
James C. Cacheris, Senior District Judge.
(CR-98-303-A)

Submitted: May 25, 1999

Decided: June 14, 1999

Before MOTZ and TRAXLER, Circuit Judges, and BUTZNER,
Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Gregory B. English, ENGLISH & SMITH, Alexandria, Virginia, for
Appellant. Helen F. Fahey, United States Attorney, Pamela O. Bar-
ron, Special Assistant United States Attorney, Alexandria, Virginia,
for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Bruce Shelton appeals from his conviction, following a bench trial, for operating a motor vehicle while a habitual offender by driving in such a way as to endanger the life, limb, or property of another, in violation of 18 U.S.C. § 13 (1994) assimilating Va. Code Ann. § 46.2-357(B)(2) (Michie 1998), and four misdemeanor traffic offenses. Shelton challenges only the conviction on the felony count. Shelton assigns error to the district court's admission of his Department of Motor Vehicles (DMV) record and alleges that the felony conviction is not supported by sufficient evidence. Finding no error, we affirm.

We find that the district court did not abuse its discretion in admitting Shelton's DMV record. The record was properly admitted under Fed. R. Evid. 803(8), and properly authenticated under Fed. R. Evid. 901(b)(7) and Va. Code Ann. § 46.2-215 (Michie 1998). We conclude that the felony conviction for operating a motor vehicle in such a way as to endanger the life, limb, or property of another was supported by sufficient evidence. The district court relied upon not only the evidence of intoxication, but testimony regarding the dangers of Shelton's driving in making its finding of guilt on the charge. See Glasser v. United States, 315 U.S. 60, 80 (1942); Bishop v. Commonwealth, 455 S.E.2d 765, 766 (Va. Ct. App. 1995).

We therefore affirm the judgment. 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