

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4460

JEFFREY M. GULLER,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of North Carolina, at Charlotte.
William L. Osteen, District Judge.
(CR-97-294, CR-98-318-3)

Submitted: March 31, 2000

Decided: May 3, 2000

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

Affirmed by unpublished per curiam opinion.

COUNSEL

Harold J. Bender, LAW OFFICE OF HAROLD J. BENDER, Char-
lotte, North Carolina, for Appellant. Mark T. Calloway, United States
Attorney, Brian Lee Whisler, Assistant United States Attorney, Char-
lotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Jeffrey M. Guller appeals from his convictions and resulting concurrent ninety-seven month sentences for money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(B)(i), 1957 (1994), and conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (1994). On appeal, he maintains that: (1) the district court erred in failing to dismiss the indictment due to improper jury selection; (2) there was insufficient evidence that the funds in question were federally insured, a jurisdictional element; and (3) the district court abused its discretion in denying Guller's motion for a new trial based on newly discovered evidence. We affirm.

First, we find that Guller did not comply with the requirements of 28 U.S.C. § 1867 (1994) in challenging the selection of jurors. Even assuming Guller had done so, our review of the proceedings discloses no error in the selection process. Second, viewing the evidence in the light most favorable to the Government, we find sufficient evidence that the funds in question were federally insured. See United States v. Gallop, 838 F.2d 105, 112 (4th Cir. 1988). Third, we find that the district court did not abuse its discretion in denying Guller's motion for a new trial based on newly discovered evidence on the ground that the offered evidence was merely cumulative and impeaching, and therefore insufficient to warrant a new trial. See United States v. Singh, 54 F.3d 1182, 1190 (4th Cir. 1995).

Accordingly, we affirm Guller's convictions and sentences. 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