

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4823

RONALD G. THOMAS,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Richmond.  
James R. Spencer, District Judge.  
(CR-99-141)

Submitted: May 10, 2000

Decided: May 24, 2000

Before WILKINS and KING, Circuit Judges,  
and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

John F. McGarvey, Richmond, Virginia, for Appellant. Helen F.  
Fahey, United States Attorney, John S. Davis, Assistant United States  
Attorney, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

## OPINION

### PER CURIAM:

Ronald G. Thomas appeals his conviction after a bench trial and resulting sixty-three month sentence for possession of cocaine with intent to distribute. Thomas asserts that the evidence presented at trial was insufficient to support his conviction, because the testimony of government witness Clyde Moseley, a cocaine dealer and friend of Thomas's, was incredible.

Whether tried by the bench or by a jury, we must sustain a conviction if there is substantial evidence, when viewed in the light most favorable to the Government, to support it. See Johnson v. United States, 271 F.2d 596, 597 (4th Cir. 1959). Substantial evidence is evidence that a reasonable fact finder could accept as adequate and sufficient to support a conclusion of a defendant's guilt beyond a reasonable doubt. See United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996). We do not review a witness's credibility in assessing the sufficiency of the evidence to support a conviction. See United States v. Hobbs, 136 F.3d 384, 390-91 n.11 (4th Cir. 1998).

Because we decline to second guess the district court's credibility determination and because we find, when construed in the light most favorable to the Government, the evidence is sufficient to support Thomas's conviction, we affirm his 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