

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*  
v.  
LARRY LAZELLE FLOYD, a/k/a Larry  
L. Floyd,  
*Defendant-Appellant.*

No. 00-4482

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
James A. Beaty, Jr., District Judge.  
(CR-99-280)

Submitted: December 29, 2000

Decided: January 16, 2001

Before WIDENER and NIEMEYER, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Nils E. Gerber, Winston-Salem, North Carolina, for Appellant. Walter  
C. Holton, Jr., United States Attorney, Sandra J. Hairston, Assistant  
United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Larry Lazelle Floyd appeals his conviction following a jury trial for possession with intent to distribute crack cocaine in violation of 21 U.S.C. § 841(a)(1) (1994). In the sole issue raised by Floyd in this appeal, he contends that the district court erred in denying his Fed. R. Crim. P. 29 motion for acquittal. Floyd contends that his own uncorroborated statements and notarized affidavit in which he admitted possession of the crack cocaine at issue were insufficient to support his conviction. This court reviews the denial of a motion for acquittal under a sufficiency of evidence standard. *See* Fed. R. Crim. P. 29; *See Glasser v. United States*, 315 U.S. 60, 80 (1942); *United States v. Romer*, 148 F. 3d 359, 364 (4th Cir. 1998), *cert. denied*, 525 U.S. 1141 (1999). In light of that standard, we have no difficulty in deciding that the district court did not err in denying Floyd's motion. Floyd's argument amounts to an invitation to this court to reweigh the evidence at trial; an invitation we uniformly decline to accept. *See Glasser*, 315 U.S. at 80; *United States v. Saunders*, 886 F.2d 56, 60 (4th Cir. 1989).

Accordingly, Floyd's conviction and sentence are affirmed.\* 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*

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\*The court has considered and rejected the possibility of reversible error under *Apprendi v. New Jersey*, 120 S. Ct. 2348 (2000).