

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
MARGARET OWEN,
Defendant-Appellant.

No. 00-4735

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
ALFRED CURTIS WATTS,
Defendant-Appellant.

No. 00-4764

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
EARL DAVID COCHRAN,
Defendant-Appellant.

No. 00-4765

Appeals from the United States District Court
for the Southern District of West Virginia, at Charleston.
Joseph Robert Goodwin, District Judge.
(CR-00-89-2)

Submitted: March 20, 2001

Decided: April 3, 2001

Before WILLIAMS and MOTZ, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Matthew A. Victor, VICTOR, VICTOR & HELGOE, L.L.P., Charleston, West Virginia; R. Clarke Vandervort, Charleston, West Virginia; Donald L. Stennett, Charleston, West Virginia, for Appellants. Rebecca A. Betts, United States Attorney, Larry R. Ellis, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Margaret Owen, Earl David Cochran, and Alfred Curtis Watts were convicted by a jury for tampering with a witness, in violation of 18 U.S.C.A. § 1512(b) (West 2000). Owen and Cochran were also convicted of an additional count of retaliating against a witness, in violation of 18 U.S.C.A. § 1513(b)(1) (West 2000). The three defendants were sentenced to forty-one months imprisonment. On appeal, they challenge the sufficiency of evidence to sustain the jury's verdict against them and the district court's imposition of a two-level enhancement for obstruction of justice pursuant to United States Sentencing Commission, *Guidelines Manual*, § 3C1.1 (Nov. 1998) based on their perjurious testimony at trial. Owen further maintains that the trial court erred in admitting evidence relating to her alleged membership in a militia group. We affirm.

This Court reviews a jury verdict for sufficiency of the evidence by determining whether there is substantial evidence, when viewed in a light most favorable to the government, to support the verdict. *Glasser v. United States*, 315 U.S. 60, 80 (1942). We have reviewed

the briefs submitted on appeal, and the materials submitted in the joint appendix, and find that there was sufficient evidence to support the jury's verdict against all three defendants. With respect to the sentencing enhancement, whether defendants' conduct amounted to an obstruction of justice is a legal question that is reviewed de novo. *United States v. Saintil*, 910 F.2d 1231, 1232 (4th Cir. 1990). The underlying factual findings are reviewed for clear error. *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989). We find no error in the district court's application of the two-level enhancement based on the defendants' perjury at trial. Last, we find no error in the district court's admission of evidence regarding Owen's alleged involvement with a militia group. *United States v. Hassan El*, 5 F.3d 726, 731 (4th Cir. 1993) (this court reviews evidentiary rulings for an abuse of discretion).

Accordingly, we affirm Owen's, Cochran's, and Watts' 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