

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

COLEMAN LEAKE JOHNSON, JR.,  
*Defendant-Appellant.*

No. 01-4793

Appeal from the United States District Court  
for the Western District of Virginia, at Charlottesville.  
Norman K. Moon, District Judge.  
(CR-00-26)

Submitted: June 19, 2002

Decided: July 12, 2002

Before LUTTIG and GREGORY, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Frederick T. Heblich, Jr., Charlottesville, Virginia; Scott L. Reichle, REICHLER & REICHLER, P.C., Yorktown, Virginia, for Appellant. John L. Brownlee, United States Attorney, Thomas J. Bondurant, Jr., Assistant United States Attorney, Anthony P. Giorno, Assistant United States Attorney, Thomas E. Booth, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., 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Unpublished opinions are not binding precedent in this circuit.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:

Coleman Leake Johnson appeals his conviction and life sentence for arson resulting in death, in violation of 18 U.S.C. § 844(i) (1994). Finding no error, we affirm.

Johnson contends the district court erred in its jury instruction regarding the interstate commerce element of the offense. We review the failure to properly instruct the jury on an element of the offense for harmless error. *Neder v. United States*, 527 U.S. 1, 8-15 (1999). The test for harmless error is whether it appears beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained. *Id.* at 15. The error is harmless if it is uncontested and the evidence supporting it is overwhelming. *United States v. Brown*, 202 F.3d 691, 700-01 (4th Cir. 2000); *United States v. Hastings*, 134 F.3d 235, 240 (4th Cir. 1998). We find the district court properly instructed the jury.

Johnson also contends the Government violated the anti-gratuity statute, 18 U.S.C. § 201(c)(2). We find no such violation. *See United States v. Levenite*, 277 F.3d 454 (4th Cir.), *cert. denied*, \_\_\_ S. Ct. \_\_\_, 2002 WL 722803 (May 28, 2002) (No. 01-9697); *United States v. Anty*, 203 F.3d 305 (4th Cir.), *cert. denied*, 531 U.S. 853 (2000).

Johnson contends the district court erred in admitting evidence that Johnson offered to pay a friend to set a trip wire to cause a former wife to fall and miscarry; that Johnson reacted angrily when a girlfriend informed him she believed she was pregnant; and that he and a friend stole cars together. Johnson also contends the district court erred in reversing its pretrial ruling excluding the car theft evidence. We review for abuse of discretion, *United States v. Chin*, 83 F.3d 83, 87 (4th Cir. 1996), and find none.

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Accordingly, we affirm Johnson's 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*