

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-4860**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTHONY LAMAR EVANS,

Defendant - Appellant.

---

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CR-99-126)

---

Submitted: May 14, 2004

Decided: July 27, 2004

---

Before LUTTIG, GREGORY, and DUNCAN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Carl J. Roncaglione, Jr., Charleston, West Virginia, for Appellant.  
Kasey Warner, United States Attorney, John J. Frail, Assistant  
United States Attorney, Charleston, West Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Anthony Lamar Evans was convicted of aiding and abetting cocaine base possession with intent to distribute, in violation of 18 U.S.C. § 2 (2000), 21 U.S.C. § 841(a)(1) (2000). Evans was sentenced to 188 months incarceration, 3 years of supervised release, and a \$100 special assessment. Evans has timely appealed, raising two issues.

First, Evans asserts the evidence was insufficient to sustain his conviction. We review a challenge to the sufficiency of the evidence to determine whether, viewing the evidence in the light most favorable to the Government, there is substantial evidence to support the conviction. United States v. Glasser, 315 U.S. 60, 80 (1942). Evans' claim is meritless. Viewing the evidence in the light most favorable to the Government, witness testimony was sufficient to sustain Evans' conviction, and witness credibility is not subject to appellate review. United States v. Beidler, 110 F.3d 1064, 1067 (4th Cir. 1997).

Second, Evans asserts the district court erred in issuing a supplemental instruction to the jury. We review the district court's instruction for abuse of discretion. United States v. Whittington, 26 F.3d 456, 462 (4th Cir. 1994). Evans' challenge to the supplemental instruction is also meritless. Evans fails to establish the instructions, taken as a whole, fail to state the

controlling law. United States v. Cobb, 905 F.2d 784, 788-89 (4th Cir. 1990).

Accordingly, we affirm Evans' 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