

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4875

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARY JOSEPHINE DANIEL,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (CR-03-3)

Submitted: May 7, 2004

Decided: May 24, 2004

Before WILKINSON, WILLIAMS, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas G. Dyer, DYER LAW OFFICES, Clarksburg, West Virginia, for Appellant. Thomas E. Johnston, United States Attorney, Zelda E. Wesley, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Mary Josephine Daniel appeals her conviction by a jury of one count of possession of a firearm after having been convicted of a crime punishable by more than one year of imprisonment, in violation of 18 U.S.C. § 922(g) (2000). Finding no reversible error, we affirm.

Daniel was indicted after her neighbors and erstwhile friends, Julie Herrick and Michael Richmond, reported her possession of a firearm to authorities, and a firearm was found in her residence during an ensuing search. On appeal, Daniel argues that the district court erred in denying her motions in limine and allowing the evidence of her drug use and the motivations of Herrick and Richmond to be admitted at trial. We review a district court's determination of the admissibility of evidence for abuse of discretion. See United States v. Brooks, 111 F.3d 365, 371 (4th Cir. 1997). Our review convinces us that the district court properly determined that the evidence in question was relevant. United States v. Masters, 622 F.2d 83, 86 (4th Cir. 1980). Moreover, the district court's evaluation of the evidence under Fed. R. Evid. 403 was not "an arbitrary or irrational exercise of discretion." United States v. Heater, 63 F.3d 311, 321 (4th Cir. 1995).

We therefore affirm Daniel'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