

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4786

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANDREW MAURICE TROTTER,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Aiken. Margaret B. Seymour, District Judge.
(1:06-cr-01015-MBS)

Submitted: April 24, 2008

Decided: June 24, 2008

Before NIEMEYER, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Katherine E. Evatt, Assistant Federal Public Defender, Columbia,
South Carolina, for Appellant. Reginald I. Lloyd, United States
Attorney, Stanley D. Ragsdale, Assistant United States Attorney,
Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andrew Maurice Trotter was convicted by a jury of being a felon in possession of a weapon and was sentenced to fifty-one months of imprisonment. On appeal, he raises two issues: (1) whether the district court erred by denying his motion to suppress evidence found at the traffic stop, and (2) whether there was sufficient evidence that he possessed the pistol at issue. For the reasons that follow, we affirm.

First, viewing the evidence as required, United States v. Seidman, 156 F.3d 542, 547 (4th Cir. 1998), we do not find that the district court's factual findings, following a hearing on the motion, were clearly erroneous or that its legal findings were incorrect. Ornelas v. United States, 517 U.S. 690, 699 (1996); United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992). Second, we find that any rational trier of fact could have found the element of possession, viewing the evidence in the light most favorable to the prosecution. Glasser v. United States, 315 U.S. 60, 80 (1942); United States v. Burgos, 94 F.3d 849, 862-63 (4th Cir. 1996). Thus, we find that both claims fail.

Accordingly, we affirm. 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