

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-4400

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LESTER JUNIOR SMITH,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:19-cr-00640-NCT-1)

Submitted: August 31, 2022

Decided: September 6, 2022

Before KING, AGEE, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: George E. Crump, III, Rockingham, North Carolina, for Appellant. Sandra J. Hairston, United States Attorney, Tanner Lawrence Kroeger, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Lester Junior Smith of possessing a firearm as a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). The district court sentenced him to 18 months' imprisonment and three years of supervised release. Smith appeals his conviction, challenging the district court's jury instruction stating that Smith's knowledge that his status as a felon prohibited him from possessing a firearm was not an element of a § 922(g)(1) offense. We affirm.

Smith argues that the district court's jury instruction was misleading. We “review a district court's decision to give a particular jury instruction for abuse of discretion, and review whether a jury instruction incorrectly stated the law de novo.” *United States v. Hassler*, 992 F.3d 243, 246 (4th Cir. 2021) (internal quotation marks omitted). An instruction is adequate if, “construed as a whole, and in light of the whole record, [it] adequately informed the jury of the controlling legal principles without misleading or confusing the jury to the prejudice of the objecting party.” *Id.* (internal quotation marks omitted).

“[I]n a prosecution under 18 U.S.C. § 922(g) and § 924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm.” *Rehaif v. United States*, 139 S. Ct. 2191, 2200 (2019). We explained in *United States v. Moody*, 2 F.4th 180, 196-98 (4th Cir. 2021), that the Government is not required to prove that a defendant knew that his felon status prohibited him from possessing a firearm. In fact, in *United States v. Collins*, 982 F.3d 236, 242 n.2 (4th Cir. 2020), we stated that the argument that

the defendant did not know that his status as a felon prohibited him from possessing a firearm “is a mistake of law argument, which is not a valid defense.” Thus, the district court’s instruction was a clear and accurate statement of the law and did not detract from any valid defense. Moreover, the evidence presented at trial clearly established that Smith was aware of his prior felony convictions. *See United States v. McDonnell*, 792 F.3d 478, 504 (4th Cir. 2015) (“We find an error in instructing the jury harmless if it is clear beyond a reasonable doubt that a rational jury would have found the defendant guilty absent the error.” (internal quotation marks omitted)), *vacated and remanded on other grounds*, 136 S. Ct. 2355 (2016). Accordingly, we conclude that the district court did not abuse its discretion in issuing the challenged jury instruction and affirm the district court’s judgment.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED