

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-7108

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM WELLINGTON HOOPER, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at
Newport News. David J. Novak, District Judge. (4:20-cr-00018-DJN-DEM-1)

Submitted: March 20, 2025

Decided: May 16, 2025

Before GREGORY, RICHARDSON, and BERNER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Wellington Hooper, Appellant Pro Se. Alyson Cox Yates, OFFICE OF THE
UNITED STATES ATTORNEY, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In 2020, a federal jury convicted William Wellington Hooper, Jr., of conspiracy to produce child pornography, production of child pornography, and two counts of coercion and enticement of a minor in violation of 18 U.S.C. §§ 2251(a), (e), 2422(b). The district court sentenced Hooper to life imprisonment. On Hooper's direct appeal, we affirmed the judgment. *United States v. Hooper*, No. 21-4220, 2022 WL 1184181 (4th Cir. Apr. 21, 2022). Hooper filed a motion for a new trial, which the district court denied. Hooper now appeals that order.

We review a district court's decision to deny a motion for a new trial under Fed. R. Crim. P. 33 for abuse of discretion. *United States v. Ali*, 991 F.3d 561, 570 (4th Cir. 2021). "A court should exercise its discretion to grant a new trial sparingly, and it should do so only when the evidence weighs heavily against the verdict." *United States v. Chong Lam*, 677 F.3d 190, 203 (4th Cir. 2012) (cleaned up). "To succeed on a Rule 33 motion based on new evidence, a defendant must satisfy a five-part test." *Ali*, 991 F.3d at 571. Specifically, the defendant must show "that (1) the evidence is newly discovered; (2) the defendant exercised due diligence; (3) the newly discovered evidence is not merely cumulative or impeaching; (4) the evidence is material; and (5) the evidence would probably result in acquittal at a new trial." *Id.*

On appeal, Hooper argues that he has presented new evidence that weighs against the verdict. We have reviewed the record and find no reversible error. Most of Hooper's evidence is not new, and his remaining claims do not outweigh the witness testimony and other evidence offered in his trial. Accordingly, we affirm the district court's order. *United*

States v. Hooper, No. 4:20-cr-00018-DJN-DEM-1 (E.D. Va., Nov. 4, 2024). 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