

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4659

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMEL RASHEED HARRIS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (4:04-cr-00009-jlk)

Submitted: February 28, 2007

Decided: March 21, 2007

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Court.

Affirmed by unpublished per curiam opinion.

I. D. Walton Caudill, Roanoke, Virginia, for Appellant. John L. Brownlee, United States Attorney, Edward A. Lustig, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jamel Rasheed Harris was found guilty of aiding and abetting (1) the possession with intent to distribute more than five grams of cocaine base (crack) (Count 1) and (2) the possession of a firearm during a drug trafficking offense (Count 2). On appeal, he argues that the evidence was insufficient to support his convictions for aiding and abetting, and that the district court erred by allowing a police officer to testify as an expert in drugs and drug distribution. For the reasons that follow, we affirm.

Harris alleges that there was insufficient evidence that he aided and abetted the distribution of crack or possessed the firearm in relationship to drug trafficking. Thus, he argues, the district court should have granted his motions for acquittal. This court reviews the denial of a motion for acquittal de novo. See United States v. Alerre, 430 F.3d 681, 693 (4th Cir. 2005), cert. denied, 126 S. Ct. 1925 (2006) (stating standard). Viewing the evidence as required, we find there was substantial evidence to support Harris' convictions of aiding and abetting. Glasser v. United States, 315 U.S. 60, 80 (1942).

Second, we find no abuse of discretion in the district court's decision to allow the police officer to testify as an expert in drugs and drug trafficking. See Kumho Tire Co. v. Carmichael, 526 U.S. 137, 152 (1999) (stating review standard for expert testimony); United States v. Gastiaburo, 16 F.3d 582, 589

(4th Cir. 1994) (noting we have "repeatedly upheld the admission of law enforcement officers' expert opinion testimony in drug trafficking cases").

Accordingly, we affirm Harris' convictions. 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