

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4490

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARYL F. LOCUST, a/k/a Derek Locust, a/k/a 8,
a/k/a Daryl Frank Locusts,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Rebecca Beach Smith,
District Judge. (4:06-cr-00040-RBS)

Submitted: December 17, 2007

Decided: January 4, 2008

Before MOTZ, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James S. Ellenson, Newport News, Virginia, for Appellant. Chuck
Rosenberg, United States Attorney, Timothy R. Murphy, Special
Assistant United States Attorney, Newport News, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Daryl F. Locust was convicted by a jury of conspiracy to possess with intent to distribute heroin, crack, and cocaine, 21 U.S.C. § 846 (2000); conspiracy to import heroin, 21 U.S.C. § 963 (2000); interstate travel in aid of racketeering, 18 U.S.C. § 1952(a)(3) (2000) (three counts); conspiracy to commit money laundering, 18 U.S.C. § 1956(h) (2000); money laundering, 18 U.S.C. § 1956(a)(1)(A)(i), (B)(i) (2000) (ten counts); distribution of sixty-two grams of cocaine, 21 U.S.C. § 841(a)(1), (b)(1)(C) (2000); using and carrying a firearm in furtherance of a drug trafficking activity, 18 U.S.C. § 924(c) (2000) (two counts); and being a felon in possession of a firearm, 18 U.S.C. § 922(g) (2000). The district court sentenced Locust to two consecutive life terms plus twenty-five years. He noted a timely appeal.

Locust challenges only the sufficiency of the evidence to support his conviction, arguing that the witnesses who testified against him were not credible because they were all drug dealers and/or convicted felons. A defendant challenging the sufficiency of the evidence faces a heavy burden. United States v. Beidler, 110 F.3d 1064, 1067 (4th Cir. 1997). A jury's verdict must be upheld on appeal if there is substantial evidence in the record to support it. Glasser v. United States, 315 U.S. 60, 80 (1942). In determining whether the evidence in the record is substantial, we view the evidence in the light most favorable to the government.

United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc).

Here, the government presented overwhelming and uncontradicted evidence of Locust's extensive drug dealing and money laundering activities. Locust's sole challenge to the evidence is that the witnesses who testified against him were all drug dealers, drug users, and/or convicted felons. However, it is well settled that this court does not review witness credibility. United States v. Saunders, 886 F.2d 56, 60 (4th Cir. 1989).

Accordingly, we affirm Locust's conviction. We deny Locust's motion to relieve his attorney and 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