

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-5122

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RYAN EDWARD WIRSCH,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:07-cr-00165-JRS-1)

Submitted: June 26, 2008

Decided: June 30, 2008

Before KING and DUNCAN, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Sherri A. Thaxton, SHERRI A. THAXTON, P.C., Richmond, Virginia, for Appellant. Peter Sinclair Duffey, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ryan Edward Wirsch was convicted by a jury of possession of a stolen firearm, 18 U.S.C. § 922(j) (2000), and was sentenced to 70 months imprisonment. Wirsch timely appealed. His attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), identifying no meritorious grounds for appeal but questioning whether the evidence was sufficient to support his conviction. Wirsch has also filed a supplemental pro se brief in which he claims that he was denied effective assistance of counsel both at trial and on appeal.

We have reviewed the trial testimony and find that the evidence presented by the government was sufficient to support the jury's finding that Wirsch knowingly possessed the stolen firearm at issue. See Glasser v. United States, 315 U.S. 60, 80 (1942) (providing standard). In making this determination, we do not "weigh the evidence or review the credibility of the witnesses." United States v. Wilson, 118 F.3d 228, 234 (4th Cir. 1997). Where the evidence supports differing reasonable interpretations, the jury decides which interpretation to believe. Id.

In his supplemental pro se brief, Wirsch asserts that he was denied effective assistance of counsel. Claims of ineffective assistance of counsel generally are not cognizable on direct appeal unless ineffective assistance conclusively appears on the record. See United States v. James, 337 F.3d 387, 391 (4th Cir. 2003).

Wirsch fails to make this showing. Accordingly, we decline to consider these issues on direct appeal. Should Wirsch wish to do so, he may pursue these claims in an appropriate motion for post-conviction relief.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Wirsch's conviction and sentence. Counsel's motion to withdraw is denied. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. 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