

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4189

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARQUES ODELL LONG,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:13-cr-00145-WO-1)

Submitted: October 21, 2014

Decided: October 23, 2014

Before SHEDD, DUNCAN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Dusenbury, Jr., Kathleen Gleason, Assistant Federal Public Defenders, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A federal jury convicted Marques Odell Long of possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841 (2012); possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c) (2012); and possession of a firearm and ammunition by a felon, in violation of 18 U.S.C. § 922(g) (2012). The district court sentenced Long to a total of 324 months in prison. Long timely appeals, and we affirm.

On appeal, Long alleges that the district court erred by excluding portions of his testimony as inadmissible hearsay. We review the admissibility of evidence for abuse of discretion, and "will only overturn an evidentiary ruling that is arbitrary and irrational." United States v. Cole, 631 F.3d 146, 153 (4th Cir. 2011) (internal quotation marks omitted). Hearsay is a statement that the declarant does not make while testifying at the current trial and which is offered "to prove the truth of the matter asserted in the statement." Fed. R. Evid. 801(c). Hearsay is generally inadmissible. Fed. R. Evid. 802.

Long contends that the disputed testimony was not offered for the truth of the matter asserted; rather, he asserts that the statements provided an explanation for his flight from police. Our review of the record leads us to conclude that the district court's exclusion of the statements was neither

arbitrary nor irrational. Moreover, any error was harmless in light of the evidence against Long and the fact that his admitted testimony conveyed the information he sought to present to the jury through the excluded statements—that Long was unaware of the gun until a phone conversation with his cousin, and he fled because he was afraid.

Accordingly, we affirm the judgment of the district court. 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