

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4358

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KING SOLOMON, II, a/k/a Terry Lee Herron,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. James A. Beaty, Jr., Senior District Judge. (1:13-cr-00486-JAB-1)

Submitted: November 18, 2014

Decided: December 2, 2014

Before GREGORY and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Sophia L. Harvey, LIAO HARVEY PC, Winston-Salem, North Carolina, for Appellant. Ripley Rand, United States Attorney, Graham T. Green, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

King Solomon, II, was sentenced to six months of imprisonment and three years of supervised release for falsely impersonating a United States government official, in violation of 18 U.S.C. § 912 (2012); falsely impersonating a foreign diplomat to avoid criminal prosecution, in violation of 18 U.S.C. § 915 (2012); and falsely impersonating a foreign diplomat and acting as such, also in violation of § 915. On appeal, Solomon only contends that the district court erred in denying his motion for acquittal pursuant to Rule 29 of the Federal Rules of Criminal Procedure on the § 915 charges. We affirm.

We review a district court's denial of a Rule 29 motion de novo. United States v. Alerre, 430 F.3d 681, 693 (4th Cir. 2005). We will affirm if, when the evidence is viewed in the light most favorable to the Government, the conviction is supported by substantial evidence. United States v. Hickman, 626 F.3d 756, 762-63 (4th Cir. 2010). "'Substantial evidence' is 'evidence that a reasonable finder of fact could accept as adequate and sufficient to support a conclusion of a defendant's guilt beyond a reasonable doubt.'" United States v. Green, 599 F.3d 360, 367 (4th Cir. 2010) (quoting United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc)). A defendant challenging evidentiary sufficiency "faces a heavy burden," as

reversal of a conviction is limited to those circumstances in which "the prosecution's failure is clear." United States v. Foster, 507 F.3d 233, 244-45 (4th Cir. 2007) (internal quotation marks omitted).

We have reviewed the record and conclude that, viewing the evidence in the light most favorable to the Government, there was sufficient evidence for the jury to find that Solomon falsely represented himself as a foreign diplomat. Further, we reject Solomon's contention that the Government was required to prove that he claimed to represent a specific foreign government. Under these circumstances, we conclude that the district court did not err in denying Solomon's Rule 29 motion for acquittal on the § 915 charges.

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