

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4469

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RASHAWN AKI SIMON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Wilmington. Louise W. Flanagan, District Judge. (7:19-cr-00074-FL-1)

Submitted: April 28, 2023

Decided: November 6, 2023

Before NIEMEYER, GREGORY, and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Joseph E. Zeszotarski, Jr., GAMMON, HOWARD & ZESZOTARSKI, PLLC, Raleigh, North Carolina, for Appellant. Michael F. Easley, Jr., United States Attorney, David A. Bragdon, Assistant United States Attorney, Sarah E. Nokes, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rashawn Simon was convicted by a jury of conspiracy to possess with intent to distribute one kilogram or more of a mixture and substance containing PCP, and with possession with intent to distribute the same while aiding and abetting another. *See* 21 U.S.C. §§ 841(a)(1) & 846. The district court sentenced Simon to 160 months of imprisonment, to be followed by five years of supervised release.

Simon challenges the sufficiency of the evidence to support his convictions on both counts and contends the district court erroneously denied his motions for judgment of acquittal before submission to the jury. Fed. R. Crim. P. 29(a). “We review de novo a district court’s denial of a Rule 29 motion, upholding a jury verdict if there is substantial evidence, viewed in the light most favorable to the government, to support it.” *United States v. Chong Lam*, 677 F.3d 190, 198 (4th Cir. 2012) (quotation marks and alterations omitted). If, however, “a defendant raises specific grounds in a Rule 29 motion, grounds that are *not* specifically raised are waived on appeal.” *Id.* at 200.

We have carefully reviewed the record and have identified no reversible error. 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