

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 12a0294n.06

No. 11-5494

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Mar 14, 2012
LEONARD GREEN, Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
v.)
)
ALFRED DAVIS,)
)
Defendant-Appellant.)
)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE WESTERN
DISTRICT OF TENNESSEE

BEFORE: DAUGHTREY and ROGERS, Circuit Judges; ZOUHARY, District Judge.*

PER CURIAM. Following a jury trial, defendant Alfred Davis appeals his conviction of being a felon in possession of a firearm, contending that the conviction was not supported by sufficient evidence. We disagree and affirm the district court’s judgment.

When a defendant challenges his conviction based on insufficient evidence, the question for the court is “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

The trial transcript in this case includes testimony from two police officers who responded to a call regarding a man with a weapon. The officers stated that they observed Davis holding a pistol in his hand and that he dropped the pistol as he ran away. A pistol and a cell phone were

*The Honorable Jack Zouhary, United States District Judge for the Northern District of Ohio, sitting by designation.

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recovered from the spot where the officers testified that Davis dropped the gun. One of the officers also testified that Davis admitted possessing the weapon after he was placed in the police car. Davis points out that the officers described the gun they saw him holding as silver, when the gun that was recovered was black. From this fact, he speculates that the gun could have been dropped by another individual who reportedly ran from the scene before Davis did. Nevertheless, if the jury believed the police officers' testimony, there was sufficient evidence, including a statement by Davis that he possessed the weapon, for the jury to find him guilty beyond a reasonable doubt.

Accordingly, we AFFIRM the district court's judgment.