

United States Court of Appeals
For the Eighth Circuit

No. 13-3520

United States of America

Plaintiff - Appellee

v.

Eric L. Smith

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 18, 2014

Filed: April 29, 2014

[Unpublished]

Before RILEY, Chief Judge, BENTON and KELLY, Circuit Judges.

PER CURIAM.

A jury convicted Eric L. Smith of attempted armed bank robbery, in violation of 18 U.S.C. § 2113(a), (d); use of a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii); and being a felon in possession of a firearm, in

violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). The district court¹ sentenced him to 382 months in prison, followed by three years of supervised release.

Smith appeals, challenging the sufficiency of the evidence to support his conviction. He specifically attacks the positive identification by a bank guard. Viewing the evidence most favorably to the jury's verdict, we conclude it is sufficient. *See United States v. Vega*, 676 F.3d 708, 721 (8th Cir. 2012) (standard of review). The judgment of the district court is affirmed. *See* 8th Cir. R. 47B.

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.