

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 03 2015

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GERALDO RAYMOND SANTOS, AKA
Sugarbear,

Defendant - Appellant.

No. 14-50332

D.C. No. 2:12-cr-00471-SVW-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen V. Wilson, District Judge, Presiding

Submitted September 1, 2015**
Pasadena, California

Before: KOZINSKI, O'SCANLAIN, and BYBEE, Circuit Judges.

Geraldo Santos appeals from the district court's judgment convicting Santos of conspiracy to distribute methamphetamine (21 U.S.C. § 846) and the

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

distribution of methamphetamine (21 U.S.C. §§ 841(a)(1), 841(b)(1)(A)). Santos claims that the government's evidence was insufficient to support his convictions.

In reviewing “the constitutional sufficiency of evidence to support a criminal conviction,” we first “consider the evidence presented at trial in the light most favorable to the prosecution,” and then decide “whether this evidence, so viewed, is adequate to allow *any* rational trier of fact [to find] the essential elements of the crime beyond a reasonable doubt.” *United States v. Nevils*, 598 F.3d 1158, 1163–64 (9th Cir. 2010) (en banc) (internal quotation marks omitted) (alteration in original).

The government's evidence includes, *inter alia*, (1) a video recording of Santos handing a blue hat to Danny Salazar, and (2) testimony from government informant Lewis Guerrero that the same hat contained methamphetamine in excess of 50 grams moments later. The parties do not dispute that Salazar sold Guerrero methamphetamine in excess of 50 grams. Construed in the light most favorable to the prosecution, this evidence is sufficient to support the conclusion that Santos supplied Salazar with methamphetamine to sell to Guerrero. Thus, this is not a case where “all rational fact finders would have to conclude that the evidence of guilt fails to establish every element of the crime beyond a reasonable doubt.” *Id.* at 1165.

AFFIRMED.