

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60107  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALD EDWARD DAVIS,  
also known as Gerald E. Davis,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:98-CR-90-ALL-LS  
- - - - -

June 16, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Gerald Edward Davis appeals his conviction and sentence following a jury trial for being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Davis argues that the district court erred when it denied his motion for judgment of acquittal asserting that the evidence at trial was insufficient to support the jury's verdict. *See United States v. Jones*, 133 F.3d 358, 362 (5th Cir.), *cert. denied*, 523 U.S. 1144 (1998)(this court reviews de novo the denial of a motion for

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

judgment of acquittal). Specifically, Davis challenges the conclusion that he possessed the firearms.

An undercover agent with the Bureau of Alcohol, Tobacco, and Firearms, testified that he purchased several firearms from Davis, while Davis was working at his wife's pawn shop. Despite Davis' testimony to the contrary, the agent's testimony supported the conclusion that Davis possessed the firearms. *See United States v. Guerrero*, 169 F.3d 933, 939 (5th Cir. 1999)(holding that this court must accept the credibility choices that support the jury's verdict and will not re-weigh the evidence). Accordingly, the district court's judgment is AFFIRMED.