

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40336
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES TYSON, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:96-CR-81-1
- - - - -

June 4, 1999

Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

James Tyson, Jr., appeals his conviction after a jury trial of stealing firearms from a federally licensed firearms dealer. He argues that the evidence was not sufficient to support his conviction. Tyson did not renew his motion for judgment of acquittal after the Government recalled Special Agent Larry Sanders to testify. We have reviewed the record and the parties' briefs and conclude that a reasonable fact finder could have found beyond a reasonable doubt that Tyson stole firearms from a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

federally licensed firearms dealer; nor was the record devoid of evidence of the same such that Tyson's conviction is a manifest miscarriage of justice. See United States v. Bermea, 30 F.3d 1539, 1551 (5th Cir. 1994); United States v. Inocencio, 40 F.3d 716, 724 (5th Cir. 1994). Thus, whether or not a motion for judgment of acquittal was required after Sanders was recalled, the result is the same.

AFFIRMED.