

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2439

United States of America,

Appellee,

v.

Cloyd Cotton,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.
[UNPUBLISHED]

Submitted: March 30, 2000

Filed: April 5, 2000

Before LOKEN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

Cloyd Cotton appeals the district court's¹ denial of his motion for a judgment of acquittal on a charge of distributing cocaine base, in violation of 21 U.S.C. § 841(a)(1) (1999). After a careful review of the record and the parties' submissions, we conclude that the evidence, viewed most favorably to the verdict, would permit a reasonable-minded jury to find Cotton guilty beyond a reasonable doubt. See United States v. James, 172 F.3d 588, 591 (8th Cir. 1999) (standard of review). The evidence showed

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.

that officers watched from a distance as an informant equipped with an audio recorder drove toward Cotton's residence; the informant returned with cocaine base and identified Cotton as the seller; and both the informant and one of the officers, who had known Cotton for several years, identified Cotton's voice on the recording. See United States v. Gordon, 974 F.2d 97, 98-100 (8th Cir. 1992) (where FBI agent maintained surveillance outside building while drug informant made purchase inside, and informant then turned drugs over to agent, informant's testimony--which was corroborated by agent's--was sufficient to support conviction). We reject Cotton's attack on the informant's credibility. Cf. id. at 100 (where informant's criminal history and arrangements with government to avoid prosecution were brought out on cross-examination, jury's credibility assessment was not disturbed). Accordingly, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.