

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1905

United States of America,

Appellee,

v.

Edward Lee Williams,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]
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Submitted: October 12, 2005

Filed: November 15, 2005

Before ARNOLD, BOWMAN and MURPHY, Circuit Judges.

PER CURIAM.

Edward Lee Williams appeals from the denial by the district court¹ of his motion for a new trial under Fed. R. Crim. P. 33. Mr. Williams was convicted of a drug offense, *see* 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 851, and his conviction was upheld on appeal. *See United States v. Williams*, 340 F.3d 563 (8th Cir. 2003). He maintains that new evidence, in the form of testimony from his sister, was sufficiently exculpatory to entitle him to a new trial.

¹The Honorable Mark W. Bennett, Chief Judge, United States District Court for the Northern District of Iowa.

The district court held that the sister's testimony did not qualify as newly discovered evidence under the relevant rule and that the testimony was so lacking in credibility that it was not likely to produce an acquittal. *See United States v. Yerkes*, 345 F.3d 558, 562 (8th Cir. 2003). After a careful review of the record, and a consideration of the well-known legal principles that guide the case, we affirm the judgment of the district court on the basis of its well-reasoned opinion.
