

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-11079  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCUS WILLIAMS WARREN,  
also known as Marcus William Warren,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:01-CR-21-1-P  
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April 29, 2002

Before JONES, SMITH, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Marcus Williams Warren appeals his conviction under 18 U.S.C. § 922(g)(1), for possessing a firearm after having been convicted of a felony. Warren's motion to supplement the record is GRANTED.

Warren challenges the sufficiency of the evidence. He contends that the Government's evidence consisted of one police officer's testimony and that this testimony was inconsistent with

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the testimony of another police officer and with the defense witness's testimony.

The jury was free to believe one witness's testimony over another's, and we will not substitute our judgment for that of the jury on the issue of witness credibility. United States v. Martinez, 975 F.2d 159, 161 (5th Cir. 1992).

Warren contends that the district court erred by admitting irrelevant and overly prejudicial evidence that he was arrested in a part of Dallas that is known to be a high-crime area. The evidence was presented to explain the police's presence and conduct rather than to suggest anything about Warren or the defense witness. Warren's counsel effectively presented evidence demonstrating a legitimate reason for Warren to be in the neighborhood. Reviewing the district court's admission of the evidence to determine whether the evidence was relevant and whether the prejudicial effect of the evidence outweighed its probative value, we find no error. United States v. Fortenberry, 919 F.2d 923, 925 (5th Cir. 1990).

AFFIRMED; MOTION GRANTED.