

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41411
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAMUEL EDWIN FIELDS,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:00-CR-184-1

July 25, 2002

Before DAVIS, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:¹

Samuel Edwin Fields appeals following his conviction for one count of being a felon in possession of a firearm. Fields first argues that the evidence adduced at his trial was insufficient to support the verdict of the jury because it did not show that he possessed a firearm. This issue lacks merit. The evidence adduced at trial was sufficient to allow a reasonable trier of fact to conclude that Fields had direct physical control over the firearm

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

and thus actually possessed it. See United States v. Munoz, 150 F.3d 401, 416 (5th Cir. 1998); United States v. Ortega-Reyna, 148 F.3d 540, 543 (5th Cir. 1998).

Fields also argues that the district court abused its discretion in refusing to give his requested jury instruction on the justification defense. Fields has not shown that he was endangered and had no opportunity to pursue legal alternatives during the entire time that he was in possession of the firearm. See United States v. Panter, 688 F.2d 268, 272 (5th Cir. 1982). Accordingly, he has not shown that he was entitled to assert the defense of justification. Because he has not shown that he was entitled to assert the justification defense, he likewise has not shown that the district court abused its discretion in denying his requested jury instructions. The judgment of the district court is AFFIRMED.