

December 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-10332
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARIN HEATH WEST,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:03-CR-46-ALL-C

Before WIENER, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Darin Heath West appeals from his jury-verdict conviction for armed bank robbery ("Count One"), possession of a firearm in furtherance of a crime of violence ("Count Two"), and carjacking ("Count Three"). He first argues that the evidence produced at trial was insufficient to support the jury's verdict for Count Two because there was no evidence proving that the firearm he used during the robbery was real. West properly preserved this issue for appeal. Viewing the evidence in the light most

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

favorable to the verdict, a rational trier of fact could have found that the Government proved all of the essential elements regarding Count Two. See United States v. Lankford, 196 F.3d 563, 575-76 (5th Cir. 1999).

West also contends that the district court erred by increasing his sentence pursuant to U.S.S.G. § 3C1.1 based on its finding that he committed perjury at trial. Because the record supports the district court's finding regarding this issue, the district court did not clearly err by applying the U.S.S.G. § 3C1.1 adjustment for obstruction of justice. See United States v. Storm, 36 F.3d 1289, 1295 (5th Cir. 1994).

Accordingly, the district court's judgment is AFFIRMED.