

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 31, 2009

Charles R. Fulbruge III
Clerk

No. 08-40543
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

SHAMEEK ADUNDA FILLS

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:07-CR-164-ALL

Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Shameek Adunda Fills was convicted by a jury on two counts of receiving or agreeing to accept bribes as a federal correctional officer in return for providing a prison inmate with contraband in violation of 18 U.S.C. § 201(b)(2)(C). Fills argues on appeal that the evidence presented at trial was insufficient to support the jury's verdict and that her within-guidelines sentence of 22 months was unreasonable and greater than necessary to accomplish the goals of 18 U.S.C. § 3553(a).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Upon review of the evidence presented at trial in a light most favorable to the jury verdict, we find that a rational trier of fact could have found that the Government proved all essential elements of bribery of a public official beyond a reasonable doubt. § 201(b)(2)(C); *see United States v. Lankford*, 196 F.3d 563, 575 (5th Cir. 1999). We may not reject the jury's credibility determinations unless the testimony was incredible or patently unbelievable. *See United States v. Williams*, 520 F.3d 414, 420 (5th Cir.). The testimony that Fills challenges was consistent with the testimony of other witnesses, Fills's earlier statement, and the exhibits. It was not incredible or patently unbelievable. Accordingly, Fills's sufficiency argument fails.

Fills's 22-month sentence was properly calculated, within the applicable guidelines range of 21 to 27 months, and well below the statutory maximum of 15 years. *See* § 201(b). Fills has not overcome the presumption that her within-guidelines sentence was reasonable, *see United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006), or shown that the district court abused its discretion under *Gall v. United States*, 128 S. Ct. 586, 596-97 (2007). No error has been shown, plain or otherwise.

The judgment of the district court is AFFIRMED.