

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

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No. 14-41036  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

June 17, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RICHARD DEMARSHAF MENYWEATHER,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:12-CR-233-1

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Before BENAVIDES, SOUTHWICK and COSTA, Circuit Judges.

PER CURIAM:\*

Richard Demarshaf Menyweather appeals his jury trial conviction for being a felon in possession of a firearm. He contends that the district court abused its discretion in admitting police officer testimony as lay opinion testimony rather than expert testimony.

We review the district court's evidentiary rulings for abuse of discretion, subject to harmless error review. *United States v. Ebron*, 683 F.3d 105, 133

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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(5th Cir. 2012). The officers testified that flight from police is evidence of consciousness of guilt and that they did not believe the firearm needed to be fingerprinted in light of the strength of the evidence indicating that Menyweather had possessed the firearm. Contrary to Menyweather's argument, the district court did not abuse its discretion in admitting the officers' testimony as lay opinion testimony under Federal Rule of Evidence 701. *See* FED. R. EVID. 701; *Ebron*, 683 F.3d at 136-38. Moreover, any error was harmless because there is not a reasonable possibility that their testimony contributed to the conviction in light of the other strong evidence of Menyweather's guilt. *See United States v. Mendoza-Medina*, 346 F.3d 121, 127 (5th Cir. 2003).

The judgment of the district court is AFFIRMED.