

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1326
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALONZO RICHARD,
a/k/a Tony Sinclair,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:92-CR-254-H-(01)
- - - - -
November 1, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:*

Alonzo Richard, defendant, was convicted on two counts of obstructing interstate commerce by robbery, one count of carrying a firearm in relation to one of the robberies, and one count of being a felon in possession of a firearm. On appeal, Richard asserts that the Government did not present sufficient evidence to prove that he obstructed interstate commerce by robbing the Golden Dragon Antique store and the Conrad Cleaners.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Richard has not challenged the district court's instruction to the jury that to find Richard guilty they must find that: 1) Richard willfully and intentionally took property from another person; 2) that he did so by actual or threatened force, violence, or fear; and 3) that such action obstructed, delayed, or affected interstate commerce. Richard concedes that the Government produced sufficient evidence to prove the first two elements of the obstruction of interstate commerce counts.

The standard for determining sufficiency of the evidence to support a conviction is whether "a reasonable trier of fact could find that the evidence established guilt beyond a reasonable doubt." United States v. Bell, 678 F.2d 547, 549 (5th Cir. Unit B 1982) (en banc), aff'd, 462 U.S. 356 (1983). In making this determination, the evidence is viewed in the light most favorable to the Government and the inferences and credibility choices are resolved in favor of the verdict. United States v. Santisteban, 833 F.2d 513, 516 (5th Cir. 1987).

In United States v. Sander, 615 F.2d 215, 218 (5th Cir.), cert. denied, 449 U.S. 835 (1980), the Court held "that doing business with out of state companies and the purchase of goods out of state have been held sufficient to establish an interstate nexus so as to provide the victim with the protection of the Hobbs Act [18 U.S.C. § 1951]." With respect to the robbery of Golden Dragon Antiques, the evidence showed that the inventory of the store came from San Francisco, Los Angeles, New York, and Houston. Further, the majority of the items in the store were imported from overseas. With respect to the robbery of the dry

cleaners, the equipment used in the business was manufactured in Wisconsin, Florida and New Jersey. The hangers and solvents used in the dry cleaners were manufactured in Florida and Louisiana, respectively.

In the case of the antique store, it was closed for two weeks following the robbery due to physical injuries to the owner. In the case of the cleaners, the cash register was destroyed and had to be replaced by one manufactured overseas. Further, the owner of the business had to spend several days repairing the damage done to the records of the business when the office was ransacked in the robbery. This evidence was sufficient to allow a jury to conclude that both robberies had an effect on interstate commerce. See Sander, 615 F.2d at 218.

Richard also argues that the count of the indictment charging him with carrying a firearm during a crime of violence related to the robbery of the dry cleaner must be overturned because there was insufficient evidence to support a conviction on the robbery count. As there was sufficient evidence to support the robbery conviction, Richard's argument on the gun count fails.

AFFIRMED.