

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2021

Lyle W. Cayce
Clerk

No. 20-50703
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TROY WEBB,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7-20-CR-65-1

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Troy Webb was convicted after a bench trial of being a felon in possession of a firearm and was sentenced to 70 months in prison and three years of supervised release. On appeal, Webb contends that the evidence was insufficient to sustain his conviction. We focus on whether

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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substantial evidence supports the district court's conclusion that the defendant is guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the Government and deferring to the district court's reasonable inferences. *United States v. Tovar*, 719 F.3d 376, 388 (5th Cir. 2013).

To obtain a conviction under 18 U.S.C. § 922(g)(1), the Government must prove that (1) the defendant previously had been convicted of a felony, (2) the defendant knowingly possessed a firearm, (3) the firearm traveled in or affected interstate commerce, and (4) the defendant knew his status as a felon when he possessed the firearm. *United States v. Ortiz*, 927 F.3d 868, 874 (5th Cir. 2019); *United States v. Guidry*, 406 F.3d 314, 318 (5th Cir. 2005); *see also United States v. Huntsberry*, 956 F.3d 270, 281 (5th Cir. 2020). Webb contests only whether there was sufficient evidence that he knowingly possessed a firearm. Webb does not contest his admission that he threw a bag with a shotgun out of a vehicle during a high speed chase and that he knew the bag contained a firearm. Webb's admission that he knowingly threw the bag containing the shotgun from the vehicle, which was corroborated by the arresting officer's testimony, is substantial evidence that he possessed the firearm. *See United States v. De Leon*, 170 F.3d 494, 496 (5th Cir. 1999); *United States v. Munoz*, 150 F.3d 401, 416 (5th Cir. 1998); *United States v. Mergerson*, 4 F.3d 337, 348 (5th Cir. 1993). The evidence was sufficient to justify the district court's conclusion that Webb was guilty beyond a reasonable doubt of possession of the firearm. *See Tovar*, 719 F.3d at 388.

AFFIRMED.