

DEC 03 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLIFFORD J. BRIGHAM,

Defendant - Appellant.

No. 08-30284

D.C. No. 3:06-cr-00272-BR

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Submitted November 6, 2009**
Portland, Oregon

Before: FISHER and PAEZ, Circuit Judges, and FOGEL, *** District Judge.

Clifford J. Brigham appeals his conviction on thirteen counts of wire fraud under 18 U.S.C. § 1343 (Counts 1-12, 14), four counts of mail fraud under 18

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Jeremy D. Fogel, United States District Judge for the Northern District of California, sitting by designation.

U.S.C. § 1341 (Counts 15-18), and three counts of money laundering under 18 U.S.C. § 1957 (Counts 21-23). Brigham preserved a sufficiency challenge on Counts 12, 14 and 21-23. Accordingly, we review de novo the sufficiency of the evidence to support a conviction on those counts. *United States v. Salman*, 531 F.3d 1007, 1010 (9th Cir. 2008). Brigham failed to preserve challenges on the remaining charges, and thus this court will reverse only if it finds plain error. *United States v. Ross*, 338 F.3d 1054, 1057 (9th Cir. 2003) (per curiam). We affirm.

Brigham's attack on the credibility of the government's witnesses is without merit. *See United States v. Tam*, 240 F.3d 797, 806 (9th Cir. 2001) ("Absent facial incredibility, it is not our role to question the jury's assessment of witness credibility."); *United States v. Yossunthorn*, 167 F.3d 1267, 1270 (9th Cir. 1999) (explaining that credibility of a witness "is a question for the jury unreviewable on appeal"). Upon review of the record, we conclude that the evidence was sufficient to support a jury conviction finding Brigham guilty of wire fraud, mail fraud and money laundering.

AFFIRMED.