

APR 15 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANDREW MAKER,

Defendant - Appellant.

No. 09-10180

D.C. No. 3:07-cr-00721-SI

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted April 5, 2010**

Before: RYMER, McKEOWN, and PAEZ, Circuit Judges.

Andrew Maker appeals from his bench-trial conviction for simple assault within a special maritime or territorial jurisdiction of the United States, in

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

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

violation of 18 U.S.C. § 113(a)(5). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Maker contends that his conviction should be reversed because there was insufficient evidence that the offense took place within the territorial jurisdiction of the United States. Viewing the evidence in the light most favorable to the prosecution, *see United States v. Stanton*, 501 F.3d 1093, 1099 (9th Cir. 2007), a rational trier of fact could have found that the offense took place within the boundaries of Fort Mason, which Maker does not dispute is located on federal land. *See United States v. Coutchavlis*, 260 F.3d 1149, 1153-54 (9th Cir. 2001).

AFFIRMED.