

AUG 05 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NOT FOR PUBLICATION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.

LONNIE JOHN WHITE,

Defendant - Appellant.

No. 09-30201

D.C. No. 3:07-CR-00136-TMB-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Timothy M. Burgess, District Judge, Presiding

Argued and Submitted July 29, 2010
Anchorage, Alaska

Before: SCHROEDER, O'SCANNLAIN and CLIFTON, Circuit Judges.

A jury convicted Lonnie White of one count of possessing with intent to distribute a mixture or substance containing cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A), and two counts of distributing a mixture or substance containing cocaine base, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(A), and

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

(b)(1)(B). The district court sentenced him to 240 months' imprisonment. White timely appeals, challenging the sufficiency of the evidence supporting his convictions and sentence.

A rational juror could have found beyond a reasonable doubt that each of the substances seized contained a detectable amount of cocaine base; contrary to White's assertion, the government was not required to prove that the substances consisted of cocaine base in their entirety. *See* 21 U.S.C. § 841(b)(1)(A)(ii), (b)(1)(B)(ii); *Chapman v. United States*, 500 U.S. 453, 459 (1991). Viewing the evidence in the light most favorable to the government, a rational juror could have also found beyond a reasonable doubt that the substances seized were the same ones weighed, such that there was no break in the chain of custody. The testimony of the government's witnesses, together with the other evidence presented at trial, is sufficient to support White's convictions and sentence. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979).

Accordingly, the judgment of the district court is

AFFIRMED.