

OCT 22 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

VICTOR RAY CRAWFORD,

Petitioner - Appellant,

v.

MICHAEL S. EVANS, Warden, Salinas
Valley State Prison,

Respondent - Appellee.

No. 09-16923

D.C. No. 4:08-cv-02694-PJH

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Submitted October 4, 2010**
San Francisco, California

Before: HUG, RYMER and N.R. SMITH, Circuit Judges.

Victor Crawford appeals the district court's denial of his habeas corpus
petition under 28 U.S.C. § 2254. We affirm.

* 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).

The California Court of Appeal's determination that sufficient evidence supported Crawford's conviction for kidnapping to commit robbery was neither contrary to, nor an unreasonable application of, Supreme Court precedent. *See* 28 U.S.C. § 2254(d). The appellate court reasonably concluded that "any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt," *Jackson v. Virginia*, 443 U.S. 307, 319 (1979), because: (1) Crawford's first expression after kidnapping the victim was to question whether the victim had any money; and (2) Crawford forcibly moved the victim to a secluded area several blocks from the bus stop before questioning him, which a jury could reasonably conclude was done to prevent others from discovering Crawford's robbery attempt. To the extent Crawford argues that he did not use the force necessary to constitute a robbery, the state court reasonably rejected this as well, for the requisite "force or fear" could be inferred from the victim's testimony.

AFFIRMED.