

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NOT FOR PUBLICATION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.