

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 12 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

No. 16-30196

Plaintiff-Appellee,

D.C. No.

v.

1:14-cr-00130-SPW-1

ERIC HARVEY LITTLECALF,

MEMORANDUM*

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted August 31, 2017**
Seattle, Washington

Before: McKEOWN and GOULD, Circuit Judges, and FOOTE,*** District Judge.

Eric Littlecalf appeals his convictions for assault resulting in serious bodily injury, in violation of 18 U.S.C. §§ 113(a)(6), 1153(a), and 3559(f)(3), and felony

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

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

*** The Honorable Elizabeth E. Foote, United States District Judge for the Western District of Louisiana, sitting by designation.

child abuse, in violation of 18 U.S.C. § 1153(b) and Montana Code Annotated § 45-5-212(1) and (2). The convictions stem from injuries suffered by K.L., his eight-month-old son. Littlecalf contends there was insufficient evidence to sustain the convictions. We affirm.

There is sufficient evidence to support a conviction if, after considering the evidence in the light most favorable to the prosecution, “*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).

Evidence at trial established that K.L. suffered a skull fracture and subdural hematoma. The government presented evidence that Littlecalf admitted to striking K.L. and that K.L.’s injuries were consistent with Littlecalf’s admission. One of K.L.’s treating physicians testified that K.L.’s injuries involved the protracted loss or impairment of the function of a body member, organ, or mental faculty, and two of K.L.’s treating physicians testified that his injuries involved extreme physical pain.

Accordingly, there was sufficient evidence for a rational jury to convict Littlecalf.

AFFIRMED.