

**NOV 16 2007**

**CATHY A. CATTERSON, 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**NOT FOR PUBLICATION**  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.  
  
GARY ADAMS,  
  
Defendant - Appellant.

No. 06-10474  
  
D.C. No. CR-01-00329-MMC  
  
MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Maxine M. Chesney, District Judge, Presiding

Argued and Submitted November 5, 2007  
San Francisco, California

Before: NOONAN and McKEOWN, Circuit Judges, and TRAGER\*\*, Senior Judge.

Gary Adams (“Adams”) appeals his conviction of three counts of possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1) on the ground that there was insufficient evidence for the jury’s conclusion.

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

\*\* The Honorable David G. Trager, Senior United States District Judge for the Eastern District of New York, sitting by designation.

Claims of insufficient evidence are reviewed de novo. *United States v. Antonakeas*, 255 F.3d 714, 723 (9th Cir. 2001). Sufficient evidence supports a conviction if “viewing 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). The crime of possession with intent to distribute cocaine requires knowing possession of cocaine with an intent to distribute it. *United States v. Ocampo*, 937 F.2d 485, 488 (9th Cir. 1991); *see also* 21 U.S.C. § 841(a)(1).

There was sufficient evidence to convict Adams, notwithstanding the facts that Adams’s identification card was discovered in the trench coat some five years after the initial search and that no direct evidence shows that the jacket and trench coat belonged to Adams. The standard of review is dispositive here. It is clear that viewing the evidence in the light most favorable to the prosecution, a reasonable jury, taking into account the totality of the circumstances, could have found the elements of the crime beyond a reasonable doubt on all three counts – for the cocaine in Adams’s pocket, in the jacket, and in the trench coat.

The judgment of the district court is AFFIRMED.