

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4198

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SPENCE SILVER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca Beach Smith, District Judge. (4:07-cr-00025-RBS-JEB-1)

Submitted: September 29, 2008

Decided: October 10, 2008

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James S. Ellenson, Newport News, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Brian J. Samuels, Assistant United States Attorney, Cameron M. Rountree, Third Year Law Student, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Spence Silver was convicted, by a jury, of possession of a firearm by a person previously convicted of a felony. The district court imposed a sentence of 115 months' imprisonment. On appeal, Spence argues that the district court erred by granting the government's motion in limine and precluding Silver from introducing evidence of the fact that one of the arresting officers had recently been convicted of the misdemeanor offense of driving under the influence. He argues that the officer's disregard for the law he swore to uphold showed that the officer would disrespect the oath to testify truthfully. Silver also contends that the officer's credibility was a crucial issue in his trial.

We have reviewed the parties' briefs and joint appendix and find no error in the district court's determination that the officer's DUI conviction was not relevant to his truthfulness, and therefore was not admissible to impeach the officer's testimony. Accordingly, we affirm the district court's order granting the motion in limine, and also affirm Silver's conviction for the reasons stated by the district court. See United States v. Silver, No. 4:07-cr-00025-RBS-JEB-1 (E.D. Va. dated Oct. 11, 2007; entered Oct. 12, 2007). We dispense with oral argument because the facts and legal contentions are adequately presented in the

materials before the court and argument would not aid the decisional process.

AFFIRMED