

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-2922

United States of America,

Appellant,

v.

Sergio Zepeda-Carlon,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: December 18, 2009

Filed: March 30, 2010

Before MURPHY, COLLOTON, and SHEPHERD, Circuit Judges.

PER CURIAM.

The government appeals the district court's¹ order granting Sergio Zepeda-Carlon's motion for judgment of acquittal following his jury conviction on one count of aiding and abetting the possession with intent to distribute more than 5 kilograms of cocaine in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. Viewing the evidence in the light most favorable to the verdict and giving it the benefit of all reasonable inferences, we conclude there is no interpretation of the evidence that would allow a reasonable jury to find Zepeda-Carlon guilty beyond a reasonable

¹The Honorable Susan Webber Wright, United States District Judge for the Eastern District of Arkansas.

doubt. See United States v. Cacioppo, 460 F.3d 1012, 1021 (8th Cir. 2006) (standard of review); cf. United States v. Santana, 524 F.3d 851, 853 (8th Cir. 2008) (holding evidence sufficient to convict vehicle passenger of aiding and abetting possession of cocaine hidden in vehicle where passenger knew driver was drug dealer, knew purpose of trip was to collect drug money, was paid \$100 for making trip, lied to officers at scene, and had methamphetamine in sock; mere association with principal, presence at scene, and knowledge of crime insufficient to support aiding and abetting conviction). We thus affirm the district court. See 8th Cir. R. 47B.
