

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-3045

September Term, 2009

UNITED STATES OF AMERICA,
APPELLEE

FILED ON: APRIL 28, 2010

v.

JACK DAVIS, ALSO KNOWN AS TWIN,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:03-cr-00348-RWR-1)

Before: SENTELLE, *Chief Judge*, and ROGERS and GARLAND, *Circuit Judges*.

J U D G M E N T

This appeal from a judgment of the United States District Court for the District of Columbia was presented to the court, and briefed and argued by counsel. The court has afforded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). It is

ORDERED and **ADJUDGED** that the judgment of the district court be affirmed and the case remanded.

Appellant Jack Davis appeals from the district court's denial of his motion for a new trial based upon "newly discovered evidence," Fed. R. Crim. P. 33, following his conviction for narcotics violations. Finding no merit in appellant's contentions, we affirm the district court's denial of his new trial motion. Neither appellant's assertions regarding the traffic stop leading to his arrest nor his allegations relating to juror confusion satisfies the standard for "newly discovered evidence" warranting a new trial, *see United States v. Johnson*, 519 F.3d 478, 487 (D.C. Cir. 2008), or an evidentiary

