

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 08-3011

September Term, 2011

FILED ON: APRIL 30, 2012

ALVIN GASKINS,

APPELLANT

v.

UNITED STATES OF AMERICA,

APPELLEE

Appeal from the United States District Court
for the District of Columbia
(No. 1:04-cr-00379)

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

J U D G M E N T

Upon consideration of the briefs submitted by the parties, the record from the district court, and the oral arguments presented on April 24, 2012, it is

ORDERED and ADJUGED that the judgment of conviction be **REVERSED**, and the matter remanded to the district court for entry of a judgment of acquittal. A reasonable juror could not have found, beyond a reasonable doubt, that the appellant knowingly participated in the conspiracy with the intent to commit the offense of distributing and possessing with intent to distribute narcotics. *U.S. v. Carson*, 455 F.3d 336, 366 (D.C. Cir. 2006); *United States v. Gatling*, 96 F.3d 1511, 1518 (D.C. Cir. 1996); *see Ingram v. United States*, 360 U.S. 672 (1959). An opinion will follow in due course.

The Clerk is directed to issue forthwith a certified copy of this judgment in lieu of formal mandate.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk