

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 11-3091

September Term, 2012

FILED ON: MARCH 26, 2013

UNITED STATES OF AMERICA,
APPELLEE

v.

GREGORY LYNN MCCORMICK,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:10-cr-00294-2)

Before: GARLAND, *Chief Judge*, GRIFFITH, *Circuit Judge*, and GINSBURG, *Senior Circuit Judge*

J U D G M E N T

This appeal was considered on the record from the district court and on the briefs and the oral arguments of the parties. Although the issues presented occasion no need for a published opinion, they have been accorded full consideration by the Court. *See* FED. R. APP. P. 36; D.C. CIR. RULE 36(d). For the reasons stated below, it is

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

Gregory Lynn McCormick appeals his conviction for aggravated identity theft in violation of 18 U.S.C. § 1028A. To convict a defendant under § 1028A, the Government must prove the defendant knew the means of identification at issue belonged to “another person,” i.e., a real person. *Flores-Figueroa v. United States*, 556 U.S. 646, 657 (2009); *United States v. Villanueva-Sotelo*, 515 F.3d 1234, 1236 (D.C. Cir. 2008). McCormick contends the evidence was insufficient to prove he knew the victim, J. Arthur Brown, was a real person.

We must affirm a conviction where, “after 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). At trial the Government introduced an email to McCormick with an attachment bearing Brown’s name, address, and certified public accountant (CPA) number. The author of the email described the

attachment as “a CPA letter I used with another client.” On the basis of this evidence, we cannot say no reasonable jury could determine, beyond a reasonable doubt, that McCormick knew Brown was “another person” within the meaning of § 1028A.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. RULE 41.

PER CURIAM

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Jennifer M. Clark
Deputy Clerk