

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 13-13011

D.C. Docket No. 1:12-cr-00015-WLS-TQL-1

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

AL J. HURLEY,

Defendant - Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(October 20, 2014)

Before WILSON, ROSENBAUM, Circuit Judges, and SCHLESINGER*, District Judge.

* Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

PER CURIAM:

Appellant Al J. Hurley was a County Commissioner in Sumter County, Georgia who was convicted by a jury on one count of attempted extortion and one count of federal program bribery. He appeals the district court's denial of his motion for judgment of acquittal and motion for new trial, raising the following issues:

1. Did the district court err by denying his motion for judgment of acquittal because the evidence was insufficient to prove that he was acting under color of official right, that his conduct had a potential to affect interstate commerce, and that he intended to be influenced as a County Commissioner when he solicited and agreed to accept multiple bribe payments; and
2. Did the district court err when it denied Hurley's motion for new trial and rejected his claim that the evidence established at trial materially varied from the allegations contained in the Indictment?

After de novo review and consideration of the briefs and the record, and having the benefit of oral argument, we find no error in the proceedings in the district court, and we affirm substantially for the reasons set forth in the district court's May 29, 2013 Order.

AFFIRMED.