

March 26, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51523
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NOE ALEMAN, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:04-CR-1509-ALL

Before DAVIS, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Noe Aleman, Jr. appeals his convictions for conspiracy, harboring illegal aliens, and encouraging and inducing aliens to remain in the United States. Aleman was sentenced to a term of imprisonment of six months on each count to be followed by three-year terms of supervised release, all terms to run concurrently.

Aleman asserts that the Government failed to prove criminal intent with respect to any of the three counts because he believed, based on legal advice, that the three Mexican females could remain in the United States legally beyond the date of the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

temporary parole. Viewed in the light most favorable to the verdict, the evidence was sufficient for a rational jury to find beyond a reasonable doubt Aleman guilty of conspiracy, harboring illegal aliens, and encouraging and inducing aliens to remain in the United States. See Jackson v. Virginia, 443 U.S. 307, 319 (1979); 8 U.S.C. § 1324(a)(1)(A)(iii), (iv); 18 U.S.C. § 371.

The evidence that the aliens had single day parole (I-94 forms), that Aleman lied about turning in the forms when the aliens returned to Mexico, that Aleman and his wife lied about the aliens living in their home, that the aliens were in the United States because they were regularly attending school, that Aleman lied to border officials about the aliens' location in Mexico, and that Aleman repeatedly attempted to have additional parole granted to allow the aliens to be in the United States legally was sufficient for a rational jury to find beyond a reasonable doubt that Aleman knew that the aliens were in the United States illegally and to establish criminal intent with respect to all of the three counts of conviction. The evidence was sufficient to support Aleman's convictions for conspiracy, harboring illegal aliens, and encouraging and inducing aliens to remain in the United States.

AFFIRMED.