

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50718  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUZ MARIA URIAS,

Defendant-Appellant.

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Appeal from the United States District Court for the  
Western District of Texas  
(P-97-CR-13-1)

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May 25, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Luz Maria Urias appeals her conviction following a jury trial for possession of marihuana with the intent to distribute. She argues that there was insufficient evidence to demonstrate that she knowingly possessed the marihuana, which was contained in two links

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of PVC pipe wired underneath the truck she was driving. We disagree.

Viewing the evidence in the light most favorable to the verdict, we find that the government produced sufficient evidence to sustain the jury's finding that Urias knowingly possessed the marihuana hidden in the carriage of her truck. To begin with, Urias had control over the truck in which the drugs were concealed. United States v. Sacerio, 952 F.2d 860, 866 (5th Cir. 1992). In addition, Urias was nervous and evasive while being questioned by United States Border Patrol Agent Rodolfo Garcia. This behavior supports an inference that Urias was aware of the drugs hidden in her truck. United States v. Diaz-Carreon, 915 F.2d 951, 954-55 (5th Cir. 1990). Finally, the jury was free to credit Garcia's testimony that Urias asked him why she was being arrested for marihuana before he had informed her that the substance found in the two links of PVC pipe was in fact marihuana.

AFFIRMED.