

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50444  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARTURO QUEZADA SAENZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-98-CR-14-2  
- - - - -

February 1, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Arturo Saenz appeals his conviction of possession with intent to distribute marijuana. He argues that the evidence was insufficient to support the verdict that he possessed the marijuana and that the evidence showed only that he was a passenger in a van in which the marijuana was contained. He also argues that the district court abused its discretion in denying his motion to suppress photographs taken from a camera found in a duffle bag located in the van.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The evidence at trial was sufficient to establish that Saenz had control over or the power to control the marijuana in the van. See United States v. Quiroz-Hernandez, 48 F.3d 858, 865 (5th Cir. 1995); United States v. Broussard, 80 F.3d 1025, 1030-31 (5th Cir. 1996).

Our review of the record reveals that the probative value of the photographs was not substantially outweighed by their prejudicial effect. The district court did not abuse its discretion in admitting the photographs into evidence. See United States v. Pace, 10 F.3d 1106, 1115-16 (5th Cir. 1993).

AFFIRMED.