

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20319
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ALBERTO MANUEL RIASCOS

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-80-1

February 7, 2001

Before KING, Chief Judge, and JONES and SMITH, Circuit Judges.

PER CURIAM:*

Alberto Manuel Riascos appeals from his conviction of one count of receipt of counterfeit U.S. currency in violation of 18 U.S.C. § 473 and one count of possession of counterfeit U.S. currency in violation of 18 U.S.C. § 472. Riascos argues that he lacked constructive possession of the envelopes containing the counterfeit currency because Sonia Cockrell, to whom the envelopes were addressed, refused to give them to him, and he never touched them. Cockrell threw the envelopes into the back seat of the vehicle, where one of them remained at the time of

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.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 arrest. Viewing the evidence in the light most favorable to the Government, we find that Riascos, as the driver of the vehicle, had constructive possession of this envelope, which he admitted was intended for him. See United States v. Fields, 72 F.3d 1200, 1212 (5th Cir. 1996); United States v. Sink, 586 F.2d 1041, 1050 (5th Cir. 1978). Under the circumstances of this case, the evidence showed more than Riascos' control over the vehicle alone. See United States v. Wright, 24 F.3d 732, 734 (5th Cir. 1994).

Because we find the evidence sufficient to support Riascos' constructive possession of the counterfeit currency, the evidence is also sufficient to support the conviction for receipt of the currency. See United States v. Solomon, 29 F.3d 961, 963 (5th Cir. 1994); United States v. Ransom, 515 F.2d 885, 891 (5th Cir. 1975).

AFFIRMED.