

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-41220
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CALVIN FONVILLE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CR-3-ALL

June 7, 2002

Before JOLLY, STEWART and PARKER, Circuit Judges.

PER CURIAM:*

Calvin Fonville appeals from a conviction for being a prisoner in possession of marijuana in violation of 18 U.S.C. § 1791(a)(2). Fonville argues that the evidence was insufficient to support his conviction. We review Fonville's sufficiency challenge in the light most favorable to the Government, determining whether any reasonable trier of fact could have found that the evidence established the essential elements of the crime

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

beyond a reasonable doubt. See United States v. Ortega Reyna, 148 F.3d 540, 543 (5th Cir. 1998). Extensive testimony from one of the prison officers who recovered the marijuana from Fonville's cell locker secured by a personal combination lock, established sufficient evidence to support the conviction under 18 U.S.C § 1791(a)(2).

Fonville also argues that the trial court erred in striking two prospective jurors for cause. We defer to the trial court's determination regarding juror credibility and bias, and absent an abuse of discretion, this court will not second guess the trial court's determination. United States v. Duncan, 191 F.3d 569, 573 (5th Cir. 1999). The record from jury voir dire supports the trial court's decision to exclude the two potential jurors. Accordingly, the judgment of the trial court is AFFIRMED.