

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50701
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELIZABETH DOZAL,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-01-CR-131-ALL-DB

February 6, 2002

Before DUHE', EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:¹

Defendant-Appellant Elizabeth Dozal appeals her jury conviction for possession with intent to distribute marijuana and importation of marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 952(a), 960(a)(1). Dozal argues that the evidence presented at trial was insufficient to support the jury's finding that she knowingly possessed and imported the marijuana concealed in the tires of the truck that she was driving.

"The knowledge element for possession or importation of drugs can rarely be proven by direct evidence." United States v. Lopez,

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

74 F.3d 575, 577 (5th Cir. 1996). "Knowledge of the presence of contraband may ordinarily be inferred from the exercise of control over the vehicle in which it is concealed." United States v. Garcia, 917 F.2d 1370, 1376-77 (5th Cir. 1990). However, when the drugs are contained in a hidden compartment, this court requires "additional evidence indicating knowledge--circumstances evidencing a consciousness of guilt on the part of the defendant." United States v. Diaz-Carreon, 915 F.2d 951, 954 (5th Cir. 1990). Circumstances such as nervousness, conflicting statements to inspection officials, and an implausible story may adequately establish consciousness of guilt. Id.

Dozal's inconsistent statements at the time of the offense, her nervousness at the time of the customs inspection, and the testimony of the passengers of the truck support the inference of guilt. Id. The evidence established guilt beyond a reasonable doubt. See United States v. Charroux, 3 F.3d 827, 830-31 (5th Cir. 1993).

AFFIRMED.