

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 01-51248  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MIGUEL ANGEL VALIENTE,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-01-CR-469-3-DB  
- - - - -

November 13, 2002

Before REAVLEY, SMITH and STEWART, Circuit Judges.

PER CURIAM:\*

Miguel Angel Valiente appeals his conviction for conspiracy to possess with intent to distribute marihuana and possession with intent to distribute marihuana in violation of 21 U.S.C. §§ 841 & 846. He argues that the evidence was insufficient to establish that he knew of the marihuana or the conspiracy. In particular, he argues that the testimony of two special agents of the United States Customs Service that they observed him

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

unloading bundles of marihuana from a van is incredible as a matter of law.

We find that the testimony of the special agents was not incredible as a matter of law but rather involved a credibility determination for the jury. See United States v. Green, 180 F.3d 216, 221-22 (5th Cir. 1999). Construing the evidence in the light most favorable to the jury's verdict, the evidence was sufficient to establish Valiente's knowledge and possession of the marihuana and his participation in the conspiracy to distribute it. See United States v. Miller, 146 F.3d 274, 280-81 (5th Cir. 1998); United States v. Casilla, 20 F.3d 600, 603 (5th Cir. 1994).

AFFIRMED.