

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40216
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ESMERALDA GONZALEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-01-CR-881-1

January 17, 2003

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Esmeralda Gonzalez appeals her conviction and sentence for conspiracy to possess with intent to distribute and possession with intent to distribute in excess of 100 kilograms of marijuana. She contends that 21 U.S.C. § 841 is unconstitutional in light of Apprendi v. New Jersey, 530 U.S. 466 (2000). She concedes that this argument is foreclosed by United States v. Slaughter, 238 F.3d 580, 582 (5th Cir. 2000), cert. denied, 532 U.S. 1045 (2001), but seeks to preserve her argument for Supreme Court review.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Gonzalez also argues that the district court erroneously admitted into evidence an investigating agent's inventory list and two sets of field notes prepared by investigating agents. Under either an abuse-of-discretion or a plain-error standard of review, Gonzalez's argument fails. Assuming arguendo that the admission of the evidence at issue was erroneous, the error was harmless given its cumulative nature, the existence of other corroborating evidence, and the overall strength of the prosecution's case. See United States v. Edwards, 303 F.3d 606, 623 (5th Cir. 2002).

AFFIRMED.