

May 30, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-51104
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH A. CARRASCO,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-02-CR-57-ALL
SA-01-M-540-ALL

Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Joseph A. Carrasco appeals his conviction following a bench trial for driving while intoxicated in a public place located in the territorial jurisdiction of the United States. He argues that the evidence presented was not sufficient to show that his mental and physical faculties were impaired at the time of his apprehension.

Viewing the evidence in the light most favorable to the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Government, and deferring to all reasonable inferences drawn by the magistrate judge, the evidence reflected that Carrasco emitted a noticeable odor of alcohol, exhibited poor coordination and attention span prior to and during testing, and advised the representative of the prosecutor's office that he was not driving contrary to his testimony presented at trial. There was substantial evidence to support the determination that Carrasco's mental and physical faculties were impaired by alcohol at the time that he drove a vehicle into the area located within the jurisdiction of the United States. See United States v. Cardenas, 9 F.3d 1139, 1156 (5th Cir. 1993); United States v. Fesler, 781 F.2d 384, 386 n.1 (5th Cir. 1986); 18 U.S.C. § 13; TEX. PENAL CODE § 49.04.

Carrasco's conviction is AFFIRMED.