

July 11, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 02-51188  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOAQUIN MONCADA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-02-CR-791-ALL-DB  
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Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Joaquin Moncada was convicted by a jury for possession and importation with intent to distribute over 50 kilograms of marijuana in violation of 21 U.S.C. §§ 841, 952, & 960. Moncada argues on appeal that the evidence was insufficient to establish that he knew the marijuana was in the vehicle that he was attempting to drive across the border.

Because Moncada filed a motion for acquittal pursuant to FED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. CRIM. P. 29(c), at the close of the Government's case and at the close of all the evidence, the standard of review for Moncada's challenge to the sufficiency of the evidence is whether any reasonable trier of fact could have found that the evidence established the essential elements of the offense beyond a reasonable doubt. See United States v. Ortega Reyna, 148 F.3d 540, 543 (5th Cir. 1998). All credibility determinations and reasonable inferences are to be resolved in favor of the verdict. United States v. Resio-Trejo, 45 F.3d 907, 911 (5th Cir. 1995). This court does not re-weigh the evidence or assess the credibility of the witnesses. United States v. Lopez, 74 F.3d 575, 577 (5th Cir. 1996).

The testimony that was introduced at trial was sufficient for the jury to find Moncada guilty of the offense beyond a reasonable doubt. See Ortega Reyna, 148 F.3d at 543. Accordingly, the judgment of the district court is AFFIRMED.