

December 17, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50026
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME SILVA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-02-CR-377-1-PRM

Before DUHÉ, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:¹

Jaime Silva appeals his convictions for aiding and abetting an attempt to tamper with a federal witness by killing that witness and for conspiracy to tamper with a federal witness by killing that witness. He argues that there was insufficient evidence in the aiding and abetting conviction to prove that Silva shared in the criminal intent of principal Marco Blancas and that Silva took a substantial step toward accomplishing the criminal venture (although aiding and abetting requires Silva merely to have acted

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in some affirmative manner designed to aid the venture), and that there was insufficient evidence in the conspiracy conviction to prove that Silva knowingly entered into the conspiracy.

Viewing the evidence in a light most favorable to the jury's verdict, there is sufficient evidence to support both convictions. See United States v. Martinez, 975 F.2d 159, 160-61 (5th Cir. 1992); United States v. Stewart, 145 F.3d 273, 277 (5th Cir. 1998); United States v. Peterson, 244 F.3d 385, 389 (5th Cir.), cert. denied sub nom. O'Keefe v. U.S., 534 U.S. 857 (2001), and Clark v. U.S., 534 U.S. 861 (2001); United States v. Garcia, 995 F.2d 556, 561 (5th Cir. 1993). The judgment of the district court is

AFFIRMED.