

January 29, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50568
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESUS FERNANDO DIAZ-SALAS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-02-CR-1961-ALL

Before HIGGINBOTHAM, DAVIS and PRADO, Circuit Judges.

PER CURIAM:*

Jesus Fernando Diaz-Salas appeals his jury trial convictions for importation of more than 100 kilograms of marijuana and possession with intent to deliver more than 100 kilograms of marijuana. Diaz argues on appeal that the evidence is insufficient to show that he had knowledge that the marijuana was in a hidden compartment in the trailer he was towing and that 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

district court erred in instructing the jury on deliberate ignorance.

There was testimony that Diaz suspected that the trailer might contain drugs, that he never requested an X-ray, that Diaz had looked inside the trailer before approaching the border and that the alterations were obvious to the inspecting officer, that Dias was hesitant in answering the X-ray inspector's questions, and that the trailer contained marijuana worth at least \$1,000,000. Viewing the evidence in the light most favorable to the verdict and accepting the jury's credibility determinations, we conclude that there was sufficient evidence to support Diaz's convictions. See United States v. Chavez, 119 F.3d 342, 347 (5th Cir. 1997); United States v. Loe, 262 F.3d 427, 432 (5th Cir. 2001).

The evidence at trial raised the inferences necessary to support the district court's decision to instruct the jury on deliberate ignorance. See United States v. Lara-Velasquez, 919 F.2d 946, 951 (5th Cir. 1990).

AFFIRMED.