

July 29, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-51321
SUMMARY CALENDAR

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ESTHER C. HUTCHINSON,

Defendant - Appellant;

Appeal from the United States District Court for the
Western District of Texas
(P-03-CR-176-ALL)

Before REYNALDO G. GARZA, HIGGINBOTHAM, and DeMOSS, Circuit Judges.

REYNALDO G. GARZA, Circuit Judge:¹

In this appeal, we review Esther Hutchinson's conviction for possession and aiding and abetting the possession of marijuana with the intent to distribute. Hutchinson argues that the evidence that she was aware of the marijuana found hidden in her van was insufficient to support her conviction.

We review Hutchinson's claim of insufficient evidence for whether, viewing all of the

¹Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

evidence in the light most favorable to the verdict, a reasonable trier of fact could have found that the evidence establishes the essential elements of the offense beyond a reasonable doubt. *United States v. Villarreal*, 324 F.3d 319, 322 (5th Cir. 2003).

We find that the evidence was sufficient to support the jury's verdict. Hutchinson was noticeably pre-occupied with the drug-detecting dog used by the border patrol agents. She offered several inconsistent accounts of and reasons for her trip to Mexico. Agents testified that Hutchinson did not seem surprised or upset when they told her they had found marijuana in her van. Finally, Hutchinson then refused to tell the agents who had arranged for her to borrow the van. Thus, a jury could reasonably conclude that Hutchinson was aware of the marijuana hidden in the van she was driving. *Id.*

For the foregoing reasons, the conviction is AFFIRMED.