

FILED

December 8, 2004

Charles R. Fulbruge III
Clerk

**UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT**

No. 03-51399

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NDUE SOKOLI,

Defendant-Appellant.

Appeal from the United States District Court
For the Western District of Texas
USDC No. EP-02-CR-1285-3-DB

Before BARKSDALE, GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Ndue Sokoli appeals his conviction of conspiring to possess with intent to distribute 100 kilograms or more of marijuana in violation of U.S.C. § 841(b)(1)(A)(vii). Sokoli appeals on three grounds: (1) that the evidence was legally insufficient to sustain his conviction; (2) that the trial court abused its discretion by admitting a co-conspirator's testimony; and (3) that the district court abused

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

its discretion in its response to a jury inquiry. Having fully considered the arguments of counsel as advanced in briefs and oral argument, and having carefully reviewed the record on appeal, we find that there was sufficient evidence to support the jury conviction, and that the trial court did not abuse its discretion in admitting the co-conspirator's testimony or responding to the jury's inquiry.

The judgment, accordingly, is **AFFIRMED**.