

June 7, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-50803
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARY JENNINGS,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:04-CR-32-2

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Mary Jennings appeals her conviction on one of three counts on which she was convicted, all stemming from her participation in a conspiracy to distribute crack cocaine. Jennings specifically attacks her conviction under 21 U.S.C. § 860 for aiding and abetting the distribution of crack cocaine within 100 feet of a youth center. She argues that the evidence was insufficient to show that the TEEN F.L.O.W. Youth Center was a "youth center" as defined by 21 U.S.C. § 860(e)(2). She does not challenge 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

sufficiency of the evidence with respect to any other essential element of the charge.

Section 860(e)(2) defines youth center as "a recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities."

Our review of the record satisfies us that sufficient evidence supports the jury's verdict. There was uncontroverted and unchallenged testimony that the TEEN F.L.O.W. Youth Center was a "youth center" where children played basketball.

Viewing the evidence in the light most favorable to the verdict, as we must, see United States v. Villarreal, 324 F.3d 319, 322 (5th Cir. 2003), we conclude that the evidence was sufficient. Accordingly, the judgment of the district court is AFFIRMED.