

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

March 4, 2020

Lyle W. Cayce  
Clerk

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No. 19-50438  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

GREGORIO GARCIA, JR.,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 2:18-CR-485-1

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Before KING, GRAVES, and WILLETT, Circuit Judges.

PER CURIAM:\*

Gregorio Garcia, Jr. appeals his bench-trial conviction for conspiracy to transport illegal aliens. On appeal, he contends that the evidence was insufficient for conviction because there was no evidence of an agreement between himself and any other individual to transport the illegal aliens.

In reviewing a bench-trial conviction, we view the evidence in the light most favorable to the Government and defer to reasonable inferences drawn

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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by the district court. *United States v. Esparza*, 678 F.3d 389, 392 (5th Cir. 2012). The focus of our review is on “whether the finding of guilt is supported by substantial evidence, i.e., evidence sufficient to justify the trial judge, as the trier of fact, in concluding beyond a reasonable doubt that the defendant is guilty.” *Id.* (internal quotations marks and citation omitted).

Here, there was sufficient evidence in the record to establish that Garcia came to an agreement with one or more people regarding the transportation of illegal aliens. *See id.* Garcia drove in tandem with the black Camaro driven by Monica Benavidez on February 20, 2018; both vehicles were registered to “A. Benavidez”; Garcia stated that the white F-150 pickup truck was given to him by Benavidez; and the cell phone found in the F-150 appeared to belong to Benavidez. Garcia performed several U-turns on Farm-to-Market Road 117 while driving, as though he were looking for something or someone, and two of the illegal aliens were told by relatives or people involved in the smuggling operation that they would be picked up on February 20 on FM 117 by an older white truck.

AFFIRMED.