

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-8270
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROXANNE NAOMI ANAYA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-92-CR-070-B
- - - - -

March 19, 1993

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:*

Anaya argues that the Government produced insufficient evidence of the knowledge element essential for convictions of importation and possession with intent to distribute marijuana. She asserts that the car belonged to Morales and that she did not know that the trunk of the car contained contraband. The standard of review for challenges to the sufficiency of the evidence is whether, after viewing the evidence in the light most favorable to the verdict, any rational trier of fact could have found the essential elements of the crime beyond a reasonable

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

doubt. United States v. Pineda-Ortuno, 952 F.2d 98, 102 (5th Cir.), cert. denied, 112 S.Ct. 1990 (1992). All inferences and credibility determinations must be resolved in favor of the jury's verdict. Id.

Anaya contested only the element of knowledge, which is required for each offense of conviction. Knowing possession can be inferred from a defendant's control over a vehicle in which an illicit substance is contained. United States v. Diaz-Carreon, 915 F.2d 951, 954 (5th Cir. 1990). Anaya was driving the car in which the marijuana was found and had keys to the car's trunk. Thus, the jury could have reasonably inferred that Anaya had knowledge of the marijuana in the trunk.

The Government presented other evidence establishing guilty knowledge. The immigration inspector testified that Anaya was very nervous at the port. Nervous behavior at an inspection station often constitutes persuasive evidence of guilty knowledge. Diaz-Carreon, 915 F.2d at 954. Further, Anaya attempted to flee when the trunk of the car was opened. While intentional flight by a defendant immediately after the commission of a crime is not sufficient in itself to establish guilty knowledge, evidence of a defendant's flight is admissible as a factor evidencing such knowledge. United States v. Flores, 564 F.2d 717, 718-19 (5th Cir. 1977).

Finally, Anaya admitted that Morales told her to run if she was stopped by the border authorities. In determining whether the evidence is sufficient to convict a defendant, juries need not dispense with their common-sense understanding of the natural

tendencies and inclinations of human behavior. United States v. Munoz-Fabela, 896 F.2d 908, 911 (5th Cir.), cert. denied, 111 S.Ct. 76 (1990). Based on their common-sense understanding of human behavior, a reasonable jury could infer that if Anaya did not have knowledge of the marijuana, she would have questioned Morales about the remark. A jury could also reasonably infer that, given Morales's remark, Anaya should have known that there was a high probability of the existence of marijuana in the vehicle.

In determining the sufficiency of the evidence, neither the jury nor this Court is obligated to examine each circumstance in isolation. United States v. Duncan, 919 F.2d 981, 990 (5th Cir. 1990), cert. denied, 111 S.Ct. 2036 (1991). Viewed cumulatively and in the light most favorable to the verdict, the evidence is sufficient to support Anaya's convictions for possession with the intent to distribute and importation of marijuana. The judgment of the district court is AFFIRMED.