UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-7323
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

SANTOS VEGA-CAMPOS and
JOSE SANCHEZ-ANSELMO,

Defendants-Appellants.

Appeal from the United States District Court
for the Southern District of Texas
(CR-B92-274-01)

(February 4, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:[1]

Appellants Vega and Sanchez were convicted by a jury of conspiracy to import and importation of marijuana, of conspiracy to possess with intent to distribute marijuana, and of possession with intent to distribute the drug. Both appeal claiming insufficiency of the evidence. Additionally, Vega claims error in the admission of a prior conviction and evidence of his parole at the time of this offense. We find no error and affirm both convictions.

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[1] 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

We will not detail the evidence here because our review of the record convinces us that it is more than sufficient to support the jury's verdict as to both Appellants, especially when viewed, as we must, in the light most favorable to the verdict.

Primarily, both Appellants argue that the evidence showed only that they were at the scene of the crime and not that they participated in it. We disagree. As to Sanchez, the evidence shows, inter alia, that he was at the original meeting place fishing without bait; conversed there with others involved in the crime; that he helped unload the bundles of marijuana from the boat into the truck; and he drove off in the truck containing the 318 pounds of marijuana. As to Vega, while he did not personally handle the drugs, the evidence shows that he came to the crime scene and parked next to the vehicle which was used to remove the drugs, conversed with those who loaded the drugs from the boat to the truck, discontinued that conversation when the vehicles arrived on the Mexican side of the border, signaled to those vehicles at which time they moved to the off loading site, moved his own vehicle to the off loading site and was following the vehicle containing the drugs when it was apprehended. This evidence is sufficient as to both Appellants.

Vega also complains that the district court erred in admitting evidence of a 1983 conviction for possession of marijuana. The court did so under Federal Rule of Evidence 404(b) after making the

appropriate findings. We review under the well-known Beechum[2] analysis and find no error. The government was required to prove that Vega knew what was going on and was not simply in the wrong place at the wrong time. His prior conviction was quite relevant for that purpose. The court adequately instructed the jury as to the purpose for the evidence and no prejudice resulted.

Vega additionally complains that the court erred in admitting evidence that he was on parole at the time of this offense. If this was error (which we do not decide) it was harmless. Vega has not shown how this evidence, given by his girlfriend in her testimony, harmed him.

AFFIRMED.

[2] United States v. Beechum, 582 F.2d 898 (5th Cir. 1978) (en banc), cert. denied, 440 U.S. 920 (1979).