

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7564
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOSE ALFREDO VELASQUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(L-88-CR-89-1)

(June 24, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.*

PER CURIAM:

Appellant Velasquez, convicted of conspiring to import over 100 kilos of marijuana over the Rio Grande River, appeals only the sufficiency of evidence to convict him. We find no error and affirm.

Viewing the evidence in the light most favorable to the government, a rational jury could have believed the testimony of co-conspirator Salinas that Velasquez was involved in the planning

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

and execution of the marijuana importation. This testimony was corroborated by the investigation of the Border Patrol agent who discerned Velasquez' footprints leading from the bank of the Rio Grande where he claimed to be "fishing" to the spot where the bales of marijuana had been unloaded. Further, Velasquez was "fishing" with an admitted member of the conspiracy shortly after the delivery had taken place. There was ample evidence to sustain a conviction of conspiracy. **AFFIRMED.**