

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20531
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRES AYALA ALLENDE,
ORLANDO JORGE ESPINOZA,
JIMMY VALENTIN SANTIAGO, and
HERBERT JOSE GARCIA,

Defendants-Appellants.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-93-0312-03,1,2,4
- - - - -

January 8, 1996

Before POLITZ, Chief Judge, JOLLY and DeMOSS, Circuit Judges.

PER CURIAM:*

In this direct criminal appeal, the appellants contend that the evidence was insufficient to support their convictions of conspiracy to possess crack cocaine with intent to distribute and aiding and abetting each other to possess crack cocaine with intent to distribute. Additionally, appellant Santiago contends that the district court erred by adjusting his offense level upward because of his role as a manager or supervisor.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

First, we hold that the evidence was sufficient for a reasonable jury to find the defendants guilty beyond a reasonable doubt of conspiracy and aiding and abetting. See *United States v. Bell*, 678 F.2d 547, 549 (5th Cir.)(en banc), *aff'd*, 462 U.S. 356 (1983). Second, the district court's finding that Santiago was a manager or supervisor is not clearly erroneous; we will not disturb that finding or the three-level adjustment to Santiago's guideline sentencing offense level. See *United States v. Palomo*, 998 F.2d 253, 257 (5th Cir.), *cert. denied*, 114 S. Ct. 358 (1993). Finally, counsel for Santiago moves to withdraw from representation of Santiago; counsel's motion is GRANTED.

AFFIRMED.