

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 96-10744
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee,

VERSUS

MARVIN A. DIERSCHKE; JANIS L. DIERSCHKE; BRIAN DIERSCHKE

Defendants-Appellants.

Appeal from the United States District Court
For the Northern District of Texas

(6:95-CR-039-C)

March 25, 1997

Before WISDOM, KING, and SMITH, Circuit Judges.

PER CURIAM:*

In this direct criminal appeal, Marvin A. Dierschke, Janis L. Dierschke, and Brian Dierschke assert that the evidence adduced at trial was insufficient to support their convictions for bankruptcy fraud and conspiracy to commit bankruptcy fraud.

A reviewing court will affirm a jury verdict so long as

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

there is evidence sufficient to allow a reasonable jury to find a defendant guilty beyond a reasonable doubt. The court will view the evidence and all inferences in the light most favorable to the verdict. United States v. Bell, 678 F.2d 547, 549 (5th Cir. 1982)(en banc).

Appellants assert that their intent to commit fraud was not proven at trial. Proof of intent to defraud may be inferred from all the facts and circumstances surrounding a transaction. United States v. O'Keefe, 722 F.2d 1175, 1181 (5th Cir. 1983). The determination of intent is a question for the trier of fact and its decision will not lightly be overturned. Id.

Having reviewed the briefs and the trial transcript, we find ample evidence to support the defendants' convictions.

AFFIRMED.