

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40157
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SOLEDAD MADRIGAL-VIRRUETA, also
known as Soledad Virrueta-Madrigal,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. L-96-CR-191

- - - - -
December 10, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Soledad Madrigal-Virrueta appeals her conviction for possession with intent to distribute marijuana. She contends that the evidence was insufficient to prove that she knew that a hidden compartment in the van contained marijuana and that, therefore, the district court abused its discretion in denying her motion for judgment of acquittal.

We have reviewed the record and the briefs of the parties and hold that the district court did not plainly err in denying

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Madrigal-Virrueta's motion for judgment of acquittal. United States v. McCarty, 36 F.3d 1349, 1358 (5th Cir. 1994) (plain error standard applies when defendant fails to move for a judgment of acquittal at the close of all the evidence); United States v. Ortega Reyna, 148 F.3d 540, 544 (5th Cir. 1998) (noting types of behaviors that may be circumstantial evidence of guilty knowledge). Even if the sufficiency issue had been preserved, the evidence was sufficient. Ortega Reyna, 148 F.3d at 543-47.

AFFIRMED.