

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41123
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARY DEAN FISHER,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CR-117-1
- - - - -

May 10, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Gary Dean Fisher appeals his conviction, following a jury trial, for possessing approximately 129 kilograms of marijuana with intent to distribute, in violation of 21 U.S.C.

§ 841(b)(1)(B). The evidence was not insufficient to support the conviction. See United States v. El-Zoubi, 993 F.2d 442, 445 (5th Cir. 1993). Although the marijuana was concealed in a hidden compartment in Fisher's fishing boat, there was circumstantial evidence, including evidence that the boat had been altered in a manner that should have been apparent to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Fisher, that he had knowledge of the presence of marijuana in the

boat. See United States v. Cano-Guel, 167 F.3d 900, 904 (5th Cir. 1999); United States v. Ortega Reyna, 148 F.3d 540, 544 (5th Cir. 1998).

AFFIRMED.