

**UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 98-41384
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUDOLFO VALENTINO SOLIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
(B-97-CR-387-01)

August 31, 1999

Before POLITZ, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:*

Rudolfo Valentino Solis appeals his jury trial conviction for possession with the intent to distribute approximately 79 pounds of marihuana, contending that the evidence was insufficient because the government failed to prove beyond a reasonable doubt that he knowingly possessed the marihuana found in the gas tank of a truck parked in the garage at his mother's home.

In evaluating the sufficiency of the evidence, we must consider same in the light most favorable to the verdict, drawing all reasonable inferences in support of

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that verdict.¹ The evidence is sufficient if a rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt.²

A conviction for possession of marihuana with the intent to distribute requires proof that the defendant (1) knowingly (2) possessed marihuana (3) with the intent to distribute it.³ When drugs are secreted in the hidden compartment of a vehicle, guilty knowledge may not be inferred solely from control of the vehicle.⁴ The government must produce additional “circumstantial evidence that is suspicious in nature or demonstrates guilty knowledge.”⁵

Given the evidence adduced at trial, including Solis’s failure to identify the owner of the truck who then was inside the house, his evasive answers about the existence of the truck, his denial of gasoline odors or its source, and his resistance to the use of a canine unit around the truck, suffice for a rational jury to conclude that Solis knowingly possessed the marihuana hidden in the gas tank of the truck. Accordingly, his conviction is AFFIRMED.

¹ **United States v. Cano-Guel**, 167 F.3d 900 (5th Cir. 1999).

² **Id.**

³ **Id.**

⁴ **Id.**

⁵ **Id.** at 904 (citation omitted).