

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-41555
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VICTORIA MAREA FRUMENTO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CR-118-1
- - - - -

July 6, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:*

Victoria Marea Frumento was convicted on one count of knowingly possessing marijuana with the intent to distribute. On appeal, she argues that the evidence was insufficient to uphold her conviction. We hold that the evidence was sufficient to permit a rational trier of fact to find the essential elements of the offense beyond a reasonable doubt. See United States v. Bell, 678 F.2d 547, 549 (5th Cir. 1982)(en banc).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Frumento contends that because the evidence provides nearly equal evidence of innocence and guilt, a reasonable doubt must exist and her conviction must be reversed. See United States v. Ortega Reyna, 148 F.3d 540, 545-47 (5th Cir. 1998). Contrary to the defendant in Reyna, Frumento was unable to provide evidence leading law enforcement officials to her alibi, the "mother" or "stepmother" she had come to Texas to help move. Frumento also could not explain why her directions to Dallas from south Texas included a route to Chicago. Because the evidence is not "essentially in balance," see id. at 543, Frumento's conviction is AFFIRMED.