

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50279  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee,

versus

REFUGIO DEL REAL

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. P-97-CR-154-1

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April 12, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Refugio Del Real appeals his conviction for possession of marijuana with intent to distribute. Del Real maintains that there was insufficient evidence to support his conviction. Because Del Real did not move for judgment of acquittal, this court's review of the sufficiency of the evidence is limited to determining whether there was a manifest miscarriage of justice. *See United States v. Johnson*, 87 F.3d 133, 136 (5th Cir. 1996). A manifest miscarriage of justice is present "if the record is devoid of evidence pointing

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

to guilt." *United States v. Singer*, 970 F.2d 1414, 1418 (5th Cir. 1992). "As with any verdict, we must consider the evidence, and all reasonable inferences that may be drawn from that evidence, in the light most favorable to the government." *Johnson*, 87 F.3d at 136.

Our careful review of the record revealed several pieces of evidence pointing to Del Real's guilt. This evidence includes: Del Real's suspicious story for how the drugs came to be in the trunk of the car; evidence that he was attempting to impersonate a law enforcement officer when he crossed the border; Del Real's inconsistent statement about whether the vehicle belonged to him; and Del Real's nervous behavior at the border crossing. This evidence demonstrates that there was no manifest miscarriage of justice in this case, so we AFFIRM.