

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-50159  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAIME PRIETO-MOLINAR,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 98-CR-447-2-H  
-----

September 17, 1999

Before KING, Chief Judge, EMILIO M. GARZA, and STEWART, Circuit  
Judges.

PER CURIAM:\*

Jaime Prieto-Molinar appeals from his conviction by jury  
verdict for one count each of conspiracy to possess and  
possession with intent to distribute marijuana. Prieto-Molinar  
contends that the evidence was insufficient to support his  
conviction. Because Prieto-Molinar moved for a judgment of  
acquittal at the close of the Government's evidence and did not  
present any evidence, we view all of the evidence and reasonable  
inferences drawn therefrom in the light most favorable to the

---

\* 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this opinion should not be published and is not precedent except  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.

Government and affirm the judgment only if a rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. United States v. Ortega Reyna, 148 F.3d 540, 543 (5th Cir. 1998). The Government was required to prove three elements in order to sustain the conviction for conspiracy to possess with intent to distribute a controlled substance: (1) an agreement between two or more persons to violate the narcotics laws, (2) that each alleged conspirator knew of the conspiracy and intended to join it, and (3) that each alleged conspirator did participate voluntarily in the conspiracy. United States v. Inocencio, 40 F.3d 716, 725 (5th Cir. 1994). "The jury may infer any element of this offense from circumstantial evidence." United States v. Lechuga, 888 F.2d 1472, 1476 (5th Cir. 1989). Thus, "[k]nowledge may be inferred from surrounding circumstances." Lechuga, 888 F.2d at 1476-77 (citation and quotation marks omitted). A conviction for the offense of possession of marijuana with intent to distribute requires proof that the defendant (1) knowingly (2) possessed marijuana (3) with intent to distribute it. United States v. Lopez, 74 F.3d 575, 577 (5th Cir. 1996).

The Government adduced evidence at trial showing that a car loaded with 47 pounds of marijuana in a hidden compartment crossed into the United States via the Paso del Norte port of entry and was left at a restaurant in El Paso, Texas, for pick up. The evidence also showed that Prieto-Molinar retrieved the car from that point and subsequently provided U.S. Customs authorities with implausible and inconsistent information

concerning his connection to the loaded car. A rational jury could infer from the evidence that Prieto-Molinar knowingly conspired to possess and possessed with intent to distribute the marijuana secreted in the car.

AFFIRMED.