

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50470
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANCISCO JAVIER ESTRADA, also known as Paco,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-01-CR-1737-1-DB

March 14, 2003

Before REAVLEY, BARKSDALE and CLEMENT, Circuit Judges.

PER CURIAM:*

Francisco Javier Estrada appeals his bench-trial conviction for conspiracy to import 1,000 kilograms or more of marijuana into the United States from Mexico. See 21 U.S.C. § 960(b)(1)(G). Estrada argues that the evidence was insufficient to support his conviction because there was no evidence to support a finding that he conspired to import any more than the 332.37 kilograms of marijuana seized from the various couriers

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

involved in the conspiracy. The standard for evaluating the sufficiency of the evidence is "whether any reasonable trier of fact could have found that the evidence established the essential elements of the crime beyond a reasonable doubt." United States v. Ortega Reyna, 148 F.3d 540, 543 (5th Cir. 1998) (footnotes and citations omitted). The court "consider[s] the evidence in the light most favorable to the government, drawing 'all reasonable inferences and credibility choices made in support of the verdict.'" Id. (citation omitted).

The district court found that Estrada conspired to import 39 loads of marijuana weighing 1700 kilograms. This amount was derived from loads of marijuana seized from seven couriers and an amount of marijuana inferred from the additional 32 loads that five of the couriers admitted making. Estrada's stipulations and the testimony of the couriers regarding the specific number of loads carried and the specific amounts paid for those loads, when viewed in the light most favorable to the verdict, is sufficient to prove beyond a reasonable doubt that Estrada participated in a conspiracy to import more than 1000 kilograms of marijuana into the United States.

AFFIRMED.