

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-1529  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VINCENT LEE PARISH, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. CR-4-103-E  
- - - - -

March 16, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Vincent Lee Parish, Jr., made no motion for judgment of acquittal after the Government rested or at the close of evidence. This Court, therefore, cannot accept his argument challenging the sufficiency of the evidence unless a manifest miscarriage of justice resulted. United States v. Shaw, 920 F.2d 1225, 1230 (5th Cir.), cert. denied, 111 S. Ct. 2038 (1991). Such a miscarriage exists only if the record lacks any evidence pointing to guilt or if the evidence was so tenuous that a

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

conviction would be "shocking." United States v. Ruiz, 860 F.2d 615, 617 (5th Cir. 1988).

After a careful review of the record, we conclude that a rational trier of fact could have found beyond a reasonable doubt that Parish, a convicted felon, knowingly possessed the firearm that he threw from his car. The record is not devoid of evidence pointing to guilt, and the evidence is not so tenuous as to render the conviction "shocking." See Ruiz, 860 F.2d at 617.

AFFIRMED.