

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40739
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

WILBERT JOSEPH BROWN, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:00-CR-148-ALL

February 15, 2002

Before DAVIS, BENAVIDES and CLEMENT, Circuit Judges.

PER CURIAM:*

Wilbert Joseph Brown, Jr., appeals his conviction for possession with intent to distribute over 50 grams of crack cocaine. He contends that the district court abused its discretion in dismissing a juror for cause. Upon review of the record, we find no such abuse. See United States v. Gonzalez-Balderas, 11 F.3d 1218, 1222 (5th Cir. 1994).

Brown also asserts that the evidence was insufficient to support his conviction. We hold that the evidence was sufficient for a rational trier of fact to find the essential elements of 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

offense beyond a reasonable doubt. See United States v. Romero-Cruz, 201 F.3d 374, 378 (5th Cir. 2000). Rochelle Brown's testimony was not incredible as a matter of law. See United States v. Freeman, 77 F.3d 812, 816 (5th Cir. 1996). There was substantial evidence upon which a rational jury could find that Brown exercised dominion and control over the residence in which the narcotics were found and that he had knowledge and access to the drugs. See United States v. Mergerson, 4 F.3d 337, 349 (5th Cir. 1993). Consequently, Brown's conviction is AFFIRMED.