

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-51186
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE M. MEDINA,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-01-CR-401-ALL

May 16, 2002

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Jose M. Medina challenges the sufficiency of the evidence supporting his conviction. Medina was convicted under the Assimilative Crimes Act, 18 U.S.C. § 13, for being intoxicated while operating a motor vehicle in a public place within the confines of Fort Sam Houston.

We review the evidence to determine whether the finding of guilt made by the trier of fact is supported by substantial

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

evidence. United States v. Ybarra, 70 F.3d 362, 364 (5th Cir. 1995). We view all evidence in the light most favorable to the Government and defer to all reasonable inferences drawn by the trier of fact. Id.

The evidence established that Medina had been drinking, that he had been driving, and that he had been involved in a traffic accident. Medina lacked the ability to speak in a normal speech pattern. Medina emitted a noticeable odor of alcohol, had glassy eyes, had a disheveled appearance, and was argumentative. The evidence, viewed in the light most favorable to the Government, was sufficient to convict Medina of being drunk while driving on Fort Sam Houston. See Ybarra, 70 F.3d at 364. The judgment is AFFIRMED.