

October 8, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50660
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERNESTINA PINA, ,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. DR-02-CR-695-1-WWJ

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Ernestina Pina argues that the evidence is insufficient to support her convictions for importation of marijuana and possession of marijuana with intent to distribute. Pina argues that the evidence fails to show that she was aware that 205 pounds of marijuana was hidden inside a diesel tank in the back of a borrowed truck that she presented to U.S. Customs Inspectors at the Del Rio, Texas, port of entry.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

In light of the value of the marijuana, Pina's somewhat implausible explanation for borrowing the truck, and her failure to offer a consistent explanation for a large amount of cash found in her possession, a rational jury could have concluded that Pina was aware of the marijuana hidden in the truck. United States v. Ramos-Garcia, 184 F.3d 463, 465-67 (5th Cir. 1999). We will not disturb that determination. United States v. Runyan, 290 F.3d 223, 240 (5th Cir.), cert. denied, 537 U.S. 888 (2002).

AFFIRMED.