

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No.95-11056  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAUL HECTOR GARZA, also known  
as Raul Garza,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CR-170-D

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October 21, 1996

Before POLITZ, Chief Judge, KING and PARKER, Circuit Judges.

PER CURIAM:\*

Raul Hector Garza appeals his convictions for conspiracy, possession of cocaine with intent to distribute, and use of a communications facility in

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

furtherance of a drug trafficking offense.<sup>1</sup> He contends that the admission of evidence of his state conviction for possession with the intent to distribute 400 grams of cocaine violated Fed. R. Evid. 404(b) because it was not relevant and its probative value was outweighed by undue prejudice. Our review of the record persuades that the district court did not abuse its discretion in admitting this evidence.<sup>2</sup> Garza also challenges the sufficiency of the evidence to support his conspiracy conviction. This challenge lacks merit. The record contains evidence which is abundantly sufficient for a reasonable jury to find Garza guilty of every element of this charge beyond a reasonable doubt.<sup>3</sup> Garza does not challenge his other convictions but merely asks that we reverse same. We decline to do so.

The convictions and sentences are AFFIRMED.

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<sup>1</sup> 18 U.S.C. § 2; 21 U.S.C. §§ 841(a)(1), 846, and 843(b).

<sup>2</sup> See **United States v. Ridlehuber**, 11 F.3d 516 (5th Cir. 1993).

<sup>3</sup> See **United States v. Crain**, 33 F.3d 480 (5th Cir. 1994), cert. denied, 115 S.Ct. 1142 (1995).