

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50218
(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK ANTHONY HOLLAND,

Defendant-Appellant.

Appeal from United States District Court
for the Western District of Texas
(USDC No. A-94-CR-161)

April 23, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Mark Anthony Holland appeals his jury conviction for carjacking in violation of 18 U.S.C. §§ 2 and 2119. He argues that the district court abused its discretion in admitting the testimony of David Bellinger concerning conversations Bellinger overheard between Holland and other gang members. Because Bellinger's testimony concerned statements made by a coconspirator of Holland

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

during the course and in furtherance of the conspiracy, the statements were not hearsay under Federal Rule of Evidence 801(d)(2)(E) and were admissible. United States v. McConnell, 988 F.2d 530, 533 (5th Cir. 1993).

Holland also argues that there was not sufficient evidence to support his conviction for carjacking, or to show that he knew about and intended to participate in an offense involving the use of a firearm. A review of the record indicates that a reasonable trier of fact could find that there was sufficient evidence to establish that Holland knew about the firearm and knowingly participated in the carjacking to make the carjacking succeed. See United States v. Jaramillo, 42 F.3d 920, 923 (5th Cir.), cert. denied, 115 S. Ct. 2014 (1995).

AFFIRMED.