

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10392  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCEL EZE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:97-CR-290-ALL-X

- - - - -  
February 22, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Marcel Aghajiuba Eze challenges his conviction of possession with intent to distribute heroin in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(B). He asserts that the district court erred in giving the jury an instruction on deliberate ignorance and by admitting over objection evidence of other packages he had received from Thailand.

The district court did not err by instructing the jury on deliberate ignorance. Sufficient evidence existed to support the conclusion that Eze was subjectively aware that he was involved

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 an ongoing scheme to smuggle drugs into the United States. See United States v. Scott, 159 F.3d 916, 922 (5th Cir. 1998); United States v. Posada-Rios, 158 F.3d 832, 875 (5th Cir. 1998). Furthermore, the evidence of the other packages Eze had received from Thailand was relevant to the charge of deliberate ignorance. The district court thus did not abuse its discretion in admitting it. See United States v. Torres, 114 F.3d 520, 526 (5th Cir.), cert. denied, 118 S. Ct. 316 (1997); United States v. Beechum, 582 F.2d 898 (5th Cir. 1978) (en banc).

AFFIRMED.