

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20463  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROSA MARIA BENAVIDES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-97-CR-35-25  
- - - - -

July 1, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:\*

Rosa Benavides appeals from her conviction for conspiracy to possess with the intent to distribute heroin, 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. She argues that the evidence was insufficient to support the jury's verdict and that the "reasonable notice" requirement of Fed. R. Evid. 404(b) was violated when the Government gave notice of its intent to introduce evidence of Benavides' prior drug conviction only one day prior to the start of the trial. Our review of the record

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and of the arguments and authorities convinces us that no reversible error was committed. The evidence was not insufficient. See United States v. McCarty, 36 F.3d 1349, 1358 (5th Cir. 1994). The district court did not abuse its discretion by admitting the Rule 404(b) evidence of Benavides' prior narcotics conviction. See United States v. Powers, 168 F.3d 741, 748 (5th Cir. 1999).

AFFIRMED.