

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-51061  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALFREDO ARROYO-GORROSTIETA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. DR-98-CR-7-1

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August 6, 1999

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Alfredo Arroyo-Gorrostieta ("Arroyo") appeals his conviction following a bench trial for importation of marijuana and possession of marijuana with intent to distribute. He contends that the evidence was insufficient to establish that he knew of the marijuana in a hidden compartment under the vehicle he was driving. He argues that his nervousness alone is insufficient to establish that he knew of the hidden marijuana. The record indicates that there was substantial evidence that Arroyo knowingly imported and possessed marijuana with intent to distribute, including his inconsistent statements concerning where he was coming from, his

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

lack of luggage, and his extreme nervousness. See United States v. Ortega-Reyna, 148 F.3d 540, 544 (5th Cir. 1998); United States v. Diaz-Carreón, 915 F.2d 951, 953 (5th Cir. 1990). Further, Arroyo's possession of a large amount of marijuana supports an inference of guilty knowledge because the owner of contraband would be unlikely to entrust it to an unwitting person. See United States v. Martínez-Moncivais, 14 F.3d 1030, 1034-35 (5th Cir. 1994).

A F F I R M E D.