

JUL 20 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAMON ALBERTO RABAGO-FELIX,

Defendant - Appellant.

No. 10-50451

D.C. No. 3:09-cr-04083-BTM-1

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Barry T. Moskowitz, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Ramon Alberto Rabago-Felix appeals from his jury-trial conviction and 120-month sentence for possession of cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Rabago-Felix contends that there is insufficient evidence to support his conviction because the evidence does not reflect that he knowingly possessed cocaine. After viewing the evidence in the light most favorable to the prosecution, the record reflects that “any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *United States v. Diaz-Cardenas*, 351 F.3d 404, 407 (9th Cir. 2003) (also noting that a jury can infer knowledge when an individual is the driver and sole occupant of a vehicle, or in possession of a large quantity of drugs).

AFFIRMED.