[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MAY 27, 2008
THOMAS K. KAHN
CLERK

No. 06-13896

D. C. Docket No. 05-00153 CR-C-S

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRENDA McCALL,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama

(May 27, 2008)

Before DUBINA and BARKETT, Circuit Judges, and SCHLESINGER,* District Judge.

*Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

PER CURIAM:

A federal indictment charged Appellant, Brenda McCall ("McCall"), with three crimes: two counts of aiding and abetting the distribution of pseudoephedrine with knowledge that it would be used to manufacture methamphetamine – one for an April 10, 2003 sale, and another for an April 17, 2003 sale – and one count of conspiracy to manufacture methamphetamine. A jury found McCall not guilty on the conspiracy charge and the April 10 charge, but found her guilty of the April 17, 2003 sale.

The issues presented on appeal are:

(1) Whether the Government presented sufficient evidence for a reasonable jury to conclude that McCall knew the pseudoephedrine she sold on April 17 would be used to manufacture methamphetamine;

(2) Whether the district court erred in charging the jury with a "deliberate ignorance" instruction; and

(3) Whether the district court abused its discretion in admitting the testimony of Investigator Tony Helms.

"We review a district court's decision to deny a motion for judgment of acquittal based on sufficiency of the evidence de novo." *United States v. Dulcio*, 441 F.3d 1269, 1276 (11th Cir. 2006). In determining whether the Government

presented sufficient evidence, the court "must review the evidence in the light most favorable to the [G]overnment and draw all reasonable factual inferences in favor of the jury's verdict." *Id.* "Where an appellant has objected to a jury instruction at trial, we review the court's decision to use that instruction for abuse of discretion." *United States v. Dean*, 487 F.3d 840, 847 (11th Cir.2007), *cert. denied*, 128 S. Ct. 1444 (2008). We review for abuse of discretion the district court's admission of evidence. *See United States v. Maragh*, 174 F.3d 1202, 1204 (11th Cir.1999).

After reviewing the record, reading the parties' briefs, and having the benefit of oral argument, we conclude that there is no merit to any of the arguments McCall makes in this appeal and, accordingly, we affirm her conviction.

AFFIRMED.