

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2018

Lyle W. Cayce
Clerk

No. 17-50285
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TIM KERMIT PRICE, also known as Tim K. Price, also known as Fat-Papa, also known as Kermit Price, also known as Kermit Price, Jr., also known as Tim Cunningham, also known as Kermit Price Cunningham, also known as Tim Price Cunningham,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:15-CR-9-1

Before BENAVIDES, SOUTHWICK, and COSTA, Circuit Judges.

PER CURIAM:*

Following a bench trial, Tim Kermit Price was convicted of one charge of possession of a firearm by a convicted felon and sentenced to serve 60 months in prison and a three-year term of supervised release. Now, he argues that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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evidence does not suffice to uphold his conviction because it does not show that he knowingly possessed the firearms at issue.

When presented with a challenge to the sufficiency of the evidence after a bench trial, the pertinent query is whether there is substantial evidence to support the verdict. *United States v. Tovar*, 719 F.3d 376, 388 (5th Cir. 2013). In joint occupancy cases, such as this one, there must be some evidence to support a plausible inference that the defendant had knowledge of, and had access to, the items. *United States v. Meza*, 701 F.3d 411, 419 (5th Cir. 2012). There is substantial evidence to show that Price knew of the guns and had access to them. *See Tovar*, 719 F.3d at 388; *Meza*, 701 F.3d at 419.

AFFIRMED.