

United States Court of Appeals
For the Eighth Circuit

No. 17-2988

United States of America

Plaintiff - Appellee

v.

Aldo Lopez Martinez

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Waterloo

Submitted: May 17, 2018
Filed: June 1, 2018
[Unpublished]

Before WOLLMAN, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Aldo Lopez Martinez appeals his conviction for conspiring to launder money. 18 U.S.C. § 1956(h). His sole argument on appeal is that the evidence was insufficient to prove that the funds he wired to unidentified recipients in Mexico included the proceeds of drug sales. To prove conspiracy to launder money,

however, the government did not need to prove Lopez Martinez actually engaged in a financial transaction involving drug money. Rather, it needed to prove that Lopez Martinez voluntarily and knowingly entered into an agreement to launder money. *United States v. Jarrett*, 684 F.3d 800, 802 (8th Cir. 2012); *see also Salinas v. United States*, 522 U.S. 52, 65 (1997) (“It is elementary that a conspiracy may exist and be punished whether or not the substantive crime ensues . . .”).

To be sure, the district court instructed the jury on the element Lopez Martinez claims was not proven. But our review of whether the government proved its case does not depend on how the jury was instructed. *Cf. Musacchio v. United States*, 136 S. Ct. 709, 715 (2016) (“[W]hen a jury instruction sets forth all the elements of the charged crime but incorrectly adds one more element, a sufficiency challenge should be assessed against the elements of the charged crime, not against the erroneously heightened command in the jury instruction.”). We accordingly affirm because, even if the evidence is insufficient to prove the point Lopez Martinez identifies, it does not draw into question his conviction of conspiracy to commit money laundering.
