

**FILED**

July 7, 2004

Charles R. Fulbruge III  
Clerk

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

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No. 03-51162  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

PATRICK ALEXANDER JONES,

Defendant-

Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-02-CR-193-1  
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Before SMITH, DeMOSS AND STEWART, Circuit Judges.

PER CURIAM:\*

Patrick Alexander Jones appeals his conviction and sentence for possession of cocaine base with intent to distribute in violation of 21 U.S.C. § 841(a). He contends that there was insufficient evidence to establish that the contraband was cocaine base (as opposed to some other variant of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

cocaine). However, Jones has not shown that the factual finding was plain error in light of the expert testimony offered at trial. See United States v. Dukes, 139 F.3d 469, 474 (5th Cir. 1998).

None of Jones's arguments regarding sentencing merit relief. He has not shown that testimony of a witness who had entered into a plea bargain with the government was incredible or insubstantial on its face. See United States v. Bermea, 30 F.3d 1539, 1552 (5th Cir. 1994). Jones has not shown that the district court clearly erred by arrogating money found on him to his drug trade. See United States v. Johnston, 127 F.3d 380, 403 5th Cir. 1997). Finally, Jones has not shown that the district court's determination that he was running a prostitution ring related to his drug trade was clearly erroneous. See United States v. Parker, 133 F.3d 322, 329-30 (5th Cir. 1998).

AFFIRMED.