

July 14, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60758
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

EMMANUEL HOBSON, also known as Emmauel Hobson

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:03-CR-7-ALL-LN

Before KING, Chief Judge, and WIENER and PRADO, Circuit Judges.

PER CURIAM:*

Emmanuel Hobson appeals from his jury-trial conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). Hobson argues that the district court reversibly erred in refusing to grant his motion for a mistrial. When questioned on direct examination, the arresting officer mentioned that Hobson had previously been in jail for house burglary. Hobson argues that this testimony violated his rights under Old Chief v. United States, 519 U.S. 172 (1997),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

necessitating a mistrial. The denial of a motion for mistrial is reviewed for abuse of discretion. See United States v. Coveney, 995 F.2d 578, 584 (5th Cir. 1993).

Juries are presumed to follow the trial court's instructions. See Zafiro v. United States, 506 U.S. 534, 540-41 (1993). The mention of the nature of Hobson's prior conviction was rendered harmless by the district court's curative instructions. See United States v. Munoz, 150 F.3d 401, 412 n.11 (5th Cir. 1998). The judgment of the district court is AFFIRMED.