

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50294
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS CARLOS CANTU,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-99-CR-346-ALL-OG

February 13, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Luis Carlos Cantu appeals the district court's denial of his motion to suppress his confession for possession of marijuana in San Antonio. Cantu argued that his confession was involuntary because he had been misled to believe he would not be criminally prosecuted based on any information which he provided. Following a hearing, the district court found that the law enforcement officers had not offered Cantu immunity from prosecution in 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

offense of conviction. This finding is based on the clear and unequivocal testimony given by officers at the suppression hearing and is not clearly erroneous. United States v. Restrepo, 994 F.2d 173, 183 (5th Cir. 1993).

We review de novo whether statement was voluntary, considering the totality of the circumstances. Restrepo, 994 F.2d at 184. It is undisputed that the officers were seeking Cantu's cooperation in an investigation into large-scale drug trafficking in Houston. The totality of the circumstances confirm the district court's conclusion that Cantu's confession was voluntary and not induced by any misunderstanding that the promise of immunity included the offense of conviction.

AFFIRMED.