

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-40715  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KOREY JAWAIN JACKSON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:01-CR-31-2  
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December 4, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Korey Jackson appeals his convictions of conspiracy to commit robbery and robbery under the Hobbs Act, 18 U.S.C. § 1951. He argues that there was insufficient evidence that his offense affected interstate commerce and that applying the aggregation principle to prove the interstate commerce element of a Hobbs Act offense is unconstitutional.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The restaurant manager's testimony that the restaurant obtains supplies from businesses out of state and that the restaurant closed early was sufficient to satisfy the interstate commerce element of Jackson's Hobbs Act violation. See United States v. Jennings, 195 F.3d 795, 800 (5th Cir. 1999); United States v. Hebert, 131 F.3d 514, 523-24 (5th Cir. 1997).

Jackson's constitutional challenge to the application of the aggregation principle is without merit under current binding precedent of this court. See United States v. Ferguson, 211 F.3d 878, 885 (5th Cir.); United States v. Robinson, 119 F.3d 1205, 1212 (5th Cir. 1997).

AFFIRMED.