

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50036
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRELL LAMAR STRICKLAND, also known as Darryl Lamar Strickland,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-00-CR-2006-1-DB

August 23, 2002

Before DAVIS, DUHÉ, DeMOSS, Circuit Judges.

PER CURIAM:¹

Darrell Strickland appeals his conviction and sentence for conspiracy to possess with intent to distribute over 100 kilograms of marijuana and money laundering. He argues that his constitutional right to a fair trial was violated when the jury venire saw him enter the courtroom in handcuffs. He also challenges the district court's determination that he was a leader in the offense.

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 jury venire's brief glimpse of Strickland entering the courtroom in handcuffs did not violate his due process right to a fair trial, and the district court did not abuse its discretion in denying his motion for a mistrial. See United States v. Daniel, 813 F.2d 661, 664 (5th Cir. 1987); United States v. Webster, 750 F.2d 307, 331 (5th Cir. 1984). The record supports the district court's determination that Strickland was a leader in the offense, and the court's finding was not clear error. See United States v. Dadi, 235 F.3d 945, 951-52 (5th Cir. 2000).

AFFIRMED.