

January 13, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-50529  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER COLLIER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(MO-01-CR-95-1)  
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Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Defendant-Appellant Christopher Collier appeals his conviction and sentence for conspiracy to possess with intent to distribute more than 50 grams of methamphetamine and with possession of methamphetamine. Collier argues that the district court erred when it overruled his objection to testimony by one of his co-defendants about his relationship with Collier prior to the dates alleged in the indictment. Collier suggests that his stipulation to a prior state conviction for trafficking in methamphetamine sufficiently

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

established intent for the instant offense and that the jury may have convicted him for the extrinsic conduct, not that alleged in the indictment. Id.

Taylor's testimony was admissible under FED. R. EVID. 403 because its probative value was not substantially outweighed by any unfair prejudice, and the testimony otherwise satisfied the requirements of FED. R. EVID. 404(b). United States v. Misher, 99 F.3d 664, 670 (5th Cir. 1996)(citing United States v. Beechum, 582 F.2d 898, 911 (5th Cir. 1978)(en banc)). Any possibility that Taylor's testimony might have unduly prejudiced the jury was sufficiently offset by the court's instructions to the jury. United States v. Honer, 225 F.3d 549, 555-56 (5th Cir. 2000).

AFFIRMED.