

August 31, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10450  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SHAUN RUSSELL WINLAND,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:02-CR-00010-ALL-R  
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Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:\*

Shaun Russell Winland (Winland) appeals his guilty-plea conviction and sentence for felon in possession of a firearm, a violation of 18 U.S.C. § 922(g)(1). Winland was sentenced to 10 years' imprisonment and to three years of supervised release. He argues on appeal that the magistrate judge plainly erred in not advising him of the effect of supervised release as required by Rule 11 of the Federal Rules of Criminal Procedure.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Federal Rules of Criminal Procedure were amended December 1, 2002. Because Winland's rearraignment occurred after that date, the current version controls. See United States v. De Los Santos, 260 F.3d 466, 447 (5th Cir. 2001). The current version of Rule 11 does not require, as the former version did, that the court explain to the defendant the "effect" of supervised release or the revocation thereof. Thus, Winland cannot show plain error. See United States v. Vonn, 535 U.S. 55, 59 (2002).

The appeal is DISMISSED as frivolous. 5TH CIR. R. 42.2.