

December 1, 2003

Charles R. Fulbruge III
Clerk

In the
United States Court of Appeals
for the Fifth Circuit

m 03-40051

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

NEFTALI CARAPIA-HERNANDEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
m L-02-CR-316-ALL

Before SMITH, BARKSDALE, and CLEMENT,
Circuit Judges.

PER CURIAM:*

Neftali Carapia-Hernandez claims his prior uncounseled misdemeanor conviction of illegal entry cannot be used to enhance his current illegal entry conviction from a misdemeanor to

a felony. We have reviewed the briefs, pertinent portions of the record, and the applicable authorities and have heard the arguments of counsel. Carapia-Hernandez's waiver of counsel was knowing and voluntary.

Accordingly, we have no need to address the other issues presented on appeal. The judgment of conviction and sentence is **AFFIRMED**.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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