

April 30, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-50932
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

WARREN KENNETH NELSON

Defendant - Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:05-CR-256-ALL

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges.

PER CURIAM:*

Warren Kenneth Nelson appeals from his jury verdict conviction and sentence for passing a counterfeit United States Treasury check. He argues that the evidence produced at trial was insufficient to support the jury's verdict. Nelson properly preserved this issue for appeal. See United States v. Moreno, 185 F.3d 465, 470 (5th Cir. 1999). Viewing the evidence in the light most favorable to the verdict, a rational trier of fact could have found that the Government proved all the essential elements of Nelson's offense beyond a reasonable doubt. See

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Lankford, 196 F.3d 563, 575 (5th Cir. 1999).

Nelson also argues that the district court erred by providing the jury with a deliberate ignorance instruction. Our review of the evidence shows that the deliberate ignorance instruction was warranted in this case. See United States v. Saucedo-Munoz, 307 F.3d 344, 348 (5th Cir. 2002).

Nelson argues that the district court erred in determining the amount of restitution and in ordering the payment of restitution in a lump sum. Due to Nelson's failure to object in district court on these specific bases, his challenge to the restitution order is reviewed only for plain error. See United States v. Garza, 429 F.3d 165, 169 (5th Cir. 2005). Nelson has failed to make such a showing.

Accordingly, the district court's judgment is AFFIRMED.