

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20470

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROYAL DEANDRE ALLEN,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
Houston Division  
(CR-H-95-264-1)

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August 8, 1997

Before JONES, EMILIO M. GARZA, and PARKER, Circuit Judges,

PER CURIAM:\*

Royal Deandre Allen was convicted by a jury of conspiracy to possess with intent to distribute cocaine base from May 27, 1995, to July 8, 1995, possession with intent to distribute cocaine base on July 7 and 8, 1995, and being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The district court granted Allen's post-verdict motion for a judgment of acquittal on

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 firearm charge. Allen was sentenced to life imprisonment on both drug counts.

On appeal, Allen argues that the district court erred in permitting Officer Steven Kwiatkoski's "purely speculative" testimony about government's exhibit 14(C), which is a photograph showing Allen counting money while standing in a kitchen where a pot sits on a stove. Allen also argues that the prosecutor's inflammatory references in closing remarks to community sentiment about drugs and the perils of the next generation deprived him of his right to a fair trial.

After hearing oral argument, reviewing the briefs, the authorities cited therein and the record, we find no reversible error. Thus, we AFFIRM the judgment of the district court.

**AFFIRMED.**