

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-20855  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAYMOND L. PATTON, also known as Ray Lee Patton,  
also known as Raymond Lee Patton,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-99-CR-18-1  
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August 4, 2000

Before REAVLEY, JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Ray Patton appeals his sentence following his guilty-plea conviction for 1) producing child pornography involving the sexual exploitation of a minor, 2) obstruction of justice by ordering others to destroy evidence, and 3) obstruction of justice by persuading a witness to withhold evidence. Patton argues that the district court erroneously considered conduct involving three minors as relevant conduct.

We need not decide this issue, given that the district court expressly stated that it would give the same sentence if this

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court were to find error in the district court's application of the Sentencing Guidelines and reverse the sentence. The district court gave justifiable reasons supporting such a departure, and, given the nature of Patton's overall conduct, such a departure would not be unreasonable. If there was any error with the district court's sentencing, such error was harmless. See United States v. Huskey, 137 F.3d 283, 289 (5th Cir. 1998); see also United States v. Nevels, 160 F.3d 226, 229 (5th Cir. 1998).

AFFIRMED.