

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30854
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BEVERLY J. KENNON,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CR-60008-01

August 23, 2000

Before KING, Chief Judge, and POLITZ and WIENER, Circuit Judges.

PER CURIAM:*

Beverly J. Kennon appeals from her conviction for six counts of theft of mail by a postal employee in violation of 18 U.S.C. § 1709. She argues that the prosecutor's improper remarks during closing argument constituted plain error. We disagree. The statements made by the prosecutor were improper, suggesting to the jury that it should convict Kennon based on past misconduct. However, in light of the district court's instructions to the jury and the overwhelming evidence of Kennon's guilt, the three statements made by the prosecutor did not substantially affect

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Kennon's right to a fair trial and therefore did not amount to constitutional error. See United States v. Sotelo, 97 F.3d 782, 793 (5th Cir. 1996). Accordingly, the judgment of the district court is AFFIRMED.

AFFIRMED.