

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-10202
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SCOTT ALLEN BURGESS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:99-CR-254-1-G

April 20, 2001

Before SMITH, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Scott Allen Burgess appeals his convictions for assaulting a federal officer and committing an assault on federal property. Burgess contends that the district court abused its discretion in admitting testimony that Burgess planned to retaliate against one of his victims and in admitting into evidence a note written by Burgess containing statements that Burgess contends were inflammatory and prejudicial. Burgess also contends that the evidence was insufficient to support the jury's determination that one of the assaults resulted in serious bodily harm to that victim.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Even if it is assumed that the district court abused its discretion in admitting the challenged evidence, any error is harmless. The evidence of Burgess's guilt was so overwhelming that there is no significant possibility that the evidence had a substantial effect on the jury. See United States v. Sanchez-Sotelo, 8 F.3d 202, 210 (5th Cir. 1993). Burgess's argument that the asserted errors were cumulatively harmful is without merit. Further, the evidence that Burgess caused serious bodily harm to the second victim was not so tenuous that a conviction would be shocking. See United States v. Pierre, 958 F.2d 1304, 1310 (5th Cir. 1992) (en banc).

AFFIRMED.