

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-11011  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERIC TIMOTHY WYNN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:00-CR-35-2-H  
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February 13, 2003

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Eric Timothy Wynn was convicted by a jury on two counts of violating the Hobbs Act counts and two corresponding counts of use or carrying of a firearm in violation of 18 U.S.C. § 924(c). Wynn argues that the evidence was insufficient to establish the requisite interstate commerce nexus to support his convictions under the Hobbs Act. Individual local crimes, with a slight effect on interstate commerce, may be prosecuted under the Hobbs Act "if the defendant's conduct is of a general type which, viewed in the aggregate, affects interstate commerce." United States v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Robinson, 119 F.3d 1205, 1208 (5th Cir. 1997). There is sufficient evidence of an interstate nexus to support Wynn's Hobbs Act convictions for robbery.

Wynn also challenges the sufficiency of the evidence supporting his conviction for aiding and abetting the use of a firearm during a crime of violence. Wynn concedes that he aided and abetted the robbery of the Dairy Way store, but he asserts that aiding in the robbery does not show that he aided the use of the gun in committing the robbery. Contrary to Wynn's assertion, the evidence shows that he knew the gun would be used in the robbery and that he performed an act which facilitated the use of the gun during the robbery. See United States v. Reyes, 102 F.3d 1361, 1363 (5th Cir. 1996); see also United States v. Sorrells, 145 F.3d 744, 753 (5th Cir. 1998).

AFFIRMED.