

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-21089
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAC HONG TRAN, known as Chinh,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CR-238-3

December 23, 2002

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Lac Hong Tran appeals his guilty-plea conviction for extortion and conspiracy to commit extortion in violation of the Hobbs Act, 18 U.S.C. § 1951. He contends that the factual basis for his plea, if accepted as true, is insufficient as a matter of law to establish a substantial effect on interstate commerce. The factual basis established that Tran regularly extorted money from local

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

businesses engaged in interstate commerce and that his acts of extortion depleted the assets of the businesses.

The government need only show that "the defendant's conduct is of a general type which, viewed in the aggregate, affects interstate commerce substantially."¹ An "extortionate act that depletes the assets of a commercial enterprise, impairing or delaying its ability to buy goods or services in interstate commerce, satisfies the jurisdictional test."²

Tran's conviction and sentence are AFFIRMED.

¹ *United States v. Robinson*, 119 F.3d 1205, 1208 (5th Cir. 1997).

² *Id.* at 1212.