

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-30593
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JASON BYNUM, also known as
Jason James Bynum,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 97-CV-50066-1

December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Jason Bynum appeals the revocation of his supervised release. He complains that the "Petition on Probation and Supervised Release" failed to "reference violation of any condition of his supervised release." He also contends that the Government failed to prove its case, "[i]f limited to the evidence at the initial hearing, as it should be[.]"

We have reviewed the record and the briefs of the parties and find that the district court did not abuse its discretion in

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

revoking supervised release. See United States v. McCormick, 54 F.3d 214, 219 (5th Cir. 1995); see 18 U.S.C. § 3583(e)(3). The Petition on Probation and Supervised Release charged Bynum with threatening suicide and with "threaten[ing] bodily harm to an employee of the Creswell Hotel on November 24, 1999." At the revocation hearing, the district court provided Bynum's counsel with an opportunity to contest the charges, to present evidence on Bynum's behalf, and to conduct cross-examination.

Furthermore, the district court did not abuse its discretion when it allowed the Government to introduce additional evidence over Bynum's objection. See United States v. Rodriguez, 43 F.3d 117, 125 (5th Cir. 1995)(direct appeal). As the Government proved by a preponderance of the evidence that a condition of release had been violated, no abuse of discretion has been shown. See McCormick, 54 F.3d at 219.

The judgment of the district court is AFFIRMED.