

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20474
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSIE AGUILAR ESPINOZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-832-1

February 20, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

Jessie Aguilar Espinoza appeals from a guilty-plea conviction for one count of mailing threatening communications in violation of 18 U.S.C. § 876. Espinoza argues that specific intent is an element of an offense under 18 U.S.C. § 876 that must be alleged in the indictment. Espinoza concedes that his argument is foreclosed by this circuit's law but seeks to preserve the issue for Supreme Court review. In United States v. DeShazo, 565 F.2d 893, 894-95 (5th Cir. 1978), this court held

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that an offense pursuant to 18 U.S.C. § 876 was a general intent crime. Accordingly, Espinoza's argument is foreclosed. The judgment is AFFIRMED.