

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50122
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH DUSSAULT,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-00-CR-360-4

November 8, 2002

Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Joseph Dussault ("Dussault") appeals his jury convictions for conspiracy to possess with intent to distribute cocaine and aiding and abetting the attempt to possess cocaine. He argues that the district court abused its discretion in excluding the testimony of Dussault's mother, Karen Lerma ("Lerma"), who would have testified before the jury that she had been diagnosed with cancer prior to Dussault's involvement in the drug conspiracy and

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 Dussault wanted to make money so that he could travel to Lerma's home to help her.

The district court did not abuse its discretion in excluding the testimony; the testimony was not relevant to the four elements of the duress defense that Dussault needed to prove in order to prevail on the defense. See United States v. Hernandez-Guevara, 162 F.3d 863, 869 (5th Cir. 1998); United States v. Posada-Rios, 158 F.3d 832, 873 (5th Cir. 1998).

AFFIRMED.