

March 17, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40273
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN ENRIQUE TREJO-BARRIENTOS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-02-CR-651-1

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Juan Enrique Trejo-Barrientos pleaded guilty to illegal reentry after deportation and was sentenced to 21 months' imprisonment and one year supervised release. He argues that the district court erred in considering his prior, uncounseled misdemeanor convictions for illegal reentry in assessing his criminal history points. Trejo-Barrientos avers that the waivers of right to counsel during his guilty-plea proceedings were

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

invalid because (1) the district court failed to admonish him regarding the dangers and disadvantages of self-representation; (2) the record failed to show that he had independent knowledge of those dangers and disadvantages; and (3) the court failed to inquire into his age, education, and experience.

Assuming arguendo that Trejo-Barrientos had a Sixth Amendment right to counsel, we hold that he validly waived his right to counsel at his 1997 and 1998 plea hearings for the same reasons as those stated in our opinions in United States v. Garcia-Hernandez, No. 03-10451 (5th Cir. Sept. 9, 2003) (unpublished) and United States v. Campos-Belasquez, No. 02-41703 (5th Cir. Oct. 31, 2003)(unpublished). Thus, the district court did not err in using his prior uncounseled misdemeanor convictions for illegal reentry in assessing his criminal history points.

AFFIRMED.