

August 14, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51083
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES RAY HEARN,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:05-CR-11-ALL

Before KING, HIGGINBOTHAM, and GARZA, Circuit Judges

PER CURIAM:*

Charles Ray Hearn appeals his convictions for conspiracy to manufacture, distribute, and possess with intent to distribute a controlled substance; manufacture of a controlled substance; and possession of equipment, chemicals, products, and materials used to manufacture methamphetamine. He argues that the district court erred in allowing him to represent himself during a portion of the trial without first ensuring that he knowingly and intelligently waived the right to counsel.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our de novo review of the record establishes that the district court sufficiently cautioned Hearn regarding the perils of self-representation such that he “[knew] what he [was] doing and his choice [was] made with eyes open.” United States v. Jones, 421 F.3d 359, 363 (5th Cir. 2005); United States v. Davis, 269 F.3d 514, 518 (5th Cir. 2001) (internal quotation marks and citation omitted). The district court fully adhered to the recommended inquiry set forth in the Benchbook for U.S. District Court Judges before finding that Hearn’s waiver of his Sixth Amendment right to counsel was knowing and voluntary, and the record does not establish that any further admonition was warranted based on the circumstances of Hearn’s case. See Jones, 421 F.3d at 363-64 & n.3; Davis, 269 F.3d at 519.

AFFIRMED.