

September 13, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60287

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MORRIS JAMES,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
Case No. 2:03-CR-88

Before JONES, Chief Judge, and REAVLEY and PRADO, Circuit Judges.

PER CURIAM:*

Appellant Morris James was convicted of twenty-three counts of mail fraud, violating 18 U.S.C. § 1341. He raises several issues on appeal. The court has carefully considered appellant's position in light of the briefs, oral arguments, and pertinent portions of the record. We conclude that, viewing the evidence in the light most favorable to the verdict, there was sufficient evidence to demonstrate specific intent to defraud and thus to sustain James's convictions. Further, the district court did not abuse its discretion in denying James's request for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

subpoenas or an investigator because James failed to make the requisite showing of necessity at trial, and has not demonstrated to this court that the district court's ruling was prejudicial to his defense. No Batson violation was present in the Government's use of peremptory challenges. Additionally, the district court did not err in its instruction to the jury concerning a matter of tax law. Finally, we hold that the district court's admission of evidence at trial did not violate the Sixth Amendment's confrontation clause. The district court judgment is **AFFIRMED**.