

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 18, 2008

Charles R. Fulbruge III
Clerk

No. 06-20125
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TIMOTHY HOPE ROBINSON

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CR-453-1

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Timothy Hope Robinson appeals his conviction and sentence for conspiracy to possess with the intent to distribute 50 grams or more of methamphetamine, possession with the intent to distribute 50 grams or more of methamphetamine, possession of a firearm in furtherance of a drug-trafficking crime, and possession of a firearm by a felon. Robinson argues that the district court abused its discretion by admitting extrinsic evidence of his presence at another methamphetamine lab. He contends that the evidence was not admissible under

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the two-part test for FED. R. EVID. 404(b) evidence articulated in *United States v. Beechum*, 582 F.2d 898, 911 (5th Cir. 1978) (en banc).

The evidence of the discovery at another methamphetamine lab of Robinson's Sam's Club card and his fingerprint on a plate of methamphetamine was relevant because it showed absence of mistake and guilty knowledge of methamphetamine activities. Moreover, the two offenses were identical in nature. See *United States v. Gordon*, 780 F.3d 1165, 1173 (5th Cir. 1986). The probative value of the evidence was not outweighed by its prejudice. See *Beechum*, 582 F.2d at 911. Therefore, the district court did not abuse its discretion by admitting the extrinsic evidence regarding Robinson's involvement with another methamphetamine lab. See *United States v. Buchanan*, 70 F.3d 818, 831 (5th Cir. 1995). Accordingly, the judgment of the district court is AFFIRMED.