

July 23, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60707
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANGELIA P. HINTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:05-CR-105-2

Before JOLLY, DAVIS, and DeMOSS, Circuit Judges.

PER CURIAM:*

Angelia P. Hinton appeals her jury conviction for conspiracy to defraud the United States and two counts of conversion of property belonging to the United States in violation of 18 U.S.C. § 371 and 18 U.S.C. §§ 641, 642. Hinton argues that the district court erred in admitting into evidence three Government exhibits which she contends were not provided to her during discovery as required by Rule 16 of the Federal Rules of Criminal Procedure. Hinton further argues that the cumulative effect of the trial

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court's errors denied her right to a fair trial and that, as a result, she is entitled to a new trial.

Hinton concedes that she waived her objection to government Exhibit G-10. We also conclude that Hinton waived her objection to Government Exhibit G-1, when counsel agreed, following a recess to review the documents in G-1, to the admission of the documents. Because Hinton withdrew her objections to two of the Government's exhibits, Hinton waived her right to contest on appeal their admission into evidence. See United States v. Musquiz, 45 F.3d 927, 931 (5th Cir. 1995).

The district court did not abuse its discretion in admitting Government Exhibit G-3, which was comprised of photographs. The record reflects that the Government listed Exhibit G-3 in the exhibit list it provided to Hinton prior to trial but that Hinton did not request copies of the photographs. Rule 16 of the Federal Rules of Criminal Procedure requires only that the Government permit the defendant to inspect materials. Because Hinton did not request copies of the photographs, there was no violation of Rule 16 and the exhibit was properly admitted. United States v. Doucette, 979 F.2d 1042, 1044-45 (5th Cir. 1992).

Because the district court did not err in its evidentiary rulings, a cumulative error analysis is unnecessary in this case. See United States v. Moyer, 951 F.2d 59, 63 n.7 (5th Cir. 1992).

AFFIRMED.