

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-11097
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 17, 2013

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

EDGAR A. LOCKETT, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:13-CR-12-1

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

A jury found Edgar A. Lockett, Jr., guilty of six counts of income tax evasion. He appeals the district court's denial of his motion for release on bond pending sentencing. Following a hearing, the district court denied the motion on the ground that Lockett failed to show by clear and convincing evidence that he would not be a flight risk and danger to the community if released pending sentencing.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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A convicted defendant does not have a constitutional right to bail. *United States v. Olis*, 450 F.3d 583, 585 (5th Cir. 2006). A defendant “who has been found guilty of an offense and who is awaiting imposition . . . of sentence” shall be detained pending sentencing “unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released.” 18 U.S.C. § 3143(a)(1).

Lockett does not dispute the district court’s factual findings on the issues of flight risk and danger to the community. Instead, he argues that the district court violated his rights to due process and confrontation when it allowed, over his objections, the introduction of hearsay evidence at the hearing on his motion for release on bond pending sentencing. However, even if we do not consider the few challenged instances of hearsay testimony, the totality of the evidence adduced at the bond hearing clearly supports the district court’s conclusion that Lockett has not shown by clear and convincing evidence that he is not a flight risk or a danger to the community. *See* 18 U.S.C. § 3143(a)(1). Lockett’s challenge fails.

AFFIRMED. Lockett’s motion for bond pending judgment is **DENIED**.