

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

No. 14-11232
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 26, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TOMMY WAYNE HALLMARK,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CR-78-10

Before HIGGINBOTHAM, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Tommy Wayne Hallmark appeals the sentence imposed following his guilty plea conviction of conspiracy to possess with the intent to distribute 50 grams or more of a mixture or substance containing methamphetamine. At sentencing, the district court found, in accord with the presentence report (PSR) and its addenda, that Hallmark's offense involved 2.9 kilograms of methamphetamine, resulting in a base offense level of 32. Hallmark argues

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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that the district court reversibly erred in this finding. He contends that the drug-quantity information in the PSR is unreliable because it is based on his codefendants' uncorroborated statements.

The probation officer who prepared Hallmark's PSR obtained the information reported therein by reviewing investigative materials prepared by DEA agents and other officers who were involved in the case and by interviewing a DEA agent who corroborated the information. "We have previously held that the district court may properly find sufficient reliability on a presentence investigation report which is based on the results of a police investigation." *United States v. Fuentes*, 775 F.3d 213, 220 (5th Cir. 2014) (internal citation and quotation marks omitted). As Hallmark presented no evidence to rebut the information in the PSR, "the district court was free to adopt the PSR's findings without further inquiry or explanation." *Id.* (internal citation and quotation marks omitted).

AFFIRMED.