

United States Court of Appeals for the Fifth Circuit

No. 24-10270
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 27, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES PEABODY,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-193-3

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

James Peabody appeals his conviction for conspiracy to commit wire fraud. He contends that trial counsel provided ineffective assistance by openly chastising Peabody in a court filing and that trial counsel, by publicly shaming Peabody in this way, effectively abandoned him during a critical stage of the proceeding.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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The record in this case is not sufficiently developed to allow us to make a fair evaluation on direct appeal of Peabody's claims of ineffective assistance of trial counsel; we therefore decline to consider the claims without prejudice to collateral review. *See United States v. Isgar*, 739 F.3d 829, 841 (5th Cir. 2014). The judgment of the district court is AFFIRMED. The Government's motion to dismiss the appeal is DENIED.