

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2409
Conference Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee,

versus

CESAR D. CASTRO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC CR-92-H-6-2
- - - - -

March 18, 1993

Before KING, HIGGINBOTHAM, AND DAVIS, Circuit Judges.

PER CURIAM:*

On review a trial court's determination of acceptance of responsibility is viewed with "even greater deference" than the ordinary factual determinations measured under the clearly erroneous standard. United States v. Brigman, 953 F.2d 906, 909 (5th Cir.), cert. denied, 113 S.Ct 49 (1992).

The district court's determination that Castro was not candid to the probation office concerning the extent of his involvement in aiding and abetting efforts to smuggle drugs is

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

relevant to acceptance of responsibility. "A defendant's coyness and lack of candor demonstrate an inadequate acceptance of responsibility." Brigman, 953 F.2d at 909 (citation omitted). It was not clearly erroneous for the district court to find that Castro had not clearly accepted personal responsibility for his criminal conduct. See U.S.S.G. § 3E1.1(a) (Nov. 1991).

There was sufficient evidence for the district court to deny Castro a downward adjustment for acceptance of responsibility because of Castro's actions and behavior. The decision did not rely on any improper imputation of his confederate's actions to Castro or on an improper understanding of the guidelines. The district court's sentence is AFFIRMED.