

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-5266

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

PATRICK M. O'LEARY,
and CANDACE JOHNSON O'LEARY,

Defendants,

and

PAUL W. BEAL,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
(92-CR-50017 (03))

(February 21, 1994)

Before WISDOM, HIGGINBOTHAM, and SMITH, Circuit Judges.

JERRY E. SMITH, Circuit Judge:*

Paul Beal appeals his conviction of, and sentence for, one count of conspiracy to manufacture methamphetamine with intent to distribute. Earlier, in an unpublished opinion, we affirmed the convictions and affirmed in part and vacated in part the sentences

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

of Beal's co-conspirators. See United States v. Holt, No. 92-5054 (5th Cir. Oct. 26, 1993). For the reasons set forth in that opinion, we affirm the conviction and sentence of Beal.

In summary, Beal claims that (1) the evidence was insufficient for a rational jury to have concluded beyond a reasonable doubt that he was guilty; (2) the government withheld exculpatory evidence in violation of his rights under Brady v. Maryland, 373 U.S. 83 (1963); and (3) certain precursor drugs should not have been included as relevant conduct at resentencing. The evidence showed that Beal worked in various stages and locations to produce methamphetamine. Furthermore, we rejected the argument that the government suppressed vital evidence. Finally, the district court made a specific factual finding that the amount of drugs was relevant conduct with respect to Beal. We do not disturb that finding.

We also note that because Beal did not brief the arguments raised by the O'Learys with regard to sentencing, he has waived them. See United States v. Gray, 626 F.2d 494, 497 (5th Cir.), cert. denied, 449 US. 1038 (1980).

AFFIRMED.