UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-7208
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

CHARLES FRAZIER,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
(CR J91 00087 W)

(Januar 6, 1993)

Before KING, DAVIS and WIENER, Circuit Judges.

DAVIS, Circuit Judge:[1]

Frazier appeals his conviction for possession of a firearm following a previous felony conviction. We affirm.

I.

Responding to a complaint, three police officers drove to a residence where nine men were gathered. One officer testified that he pulled a visible .25 caliber weapon from appellant Charles

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[1]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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Frazier's belt. According to the officer, Frazier appeared to have been drinking but did not seem intoxicated. Frazier was arrested and charged with carrying a concealed weapon and discharging a firearm within the city limits. The government discovered that Frazier had a number of convictions including one for voluntary manslaughter. Frazier was indicted and convicted by a jury of the offense felon in possession of a firearm. This appeal followed.

II.

A.

Frazier argues first that the trial court should have granted his request to stipulate that he was a convicted felon or, in the alternative, required the government to admit into evidence a less prejudicial conviction than the voluntary manslaughter conviction.

In **United States v. Davis**, 792 F.2d 1299, 1305 (5th Cir. 1986), we expressly rejected the "inflexible rule that allows a party by stipulation to prevent his adversary's case from being presented in its appropriately full and real life context." We further noted that an offer to stipulate is relevant under Rule 403 F.R.E., but not necessarily decisive; the trial court was not required to allow the parties to stipulate. **Id.** at 1305.

The weight to be given an offer to stipulate, upon a Rule 403 objection, is committed to the sound discretion of the trial judge, tempered by the particular facts presented. **United States v. Grassi,** 602 F.2d ll92, ll97 (5th Cir. l979), **vacated on other grounds,** 448 U.S. 902, **aff'd on remand**, 626 F.2d 444, **cert. denied,**

450 U.S. 956 (l98l). That discretion should be exercised in a manner that balances probative value against prejudice that renders the trial fundamentally unfair. **Id**. "Unfair prejudice" refers to more than an adverse effect on a party's case; it involves instead a tendency to influence a decision on an improper basis, normally an emotional one. **Id**. A trial court's decision to allow evidence, after conducting the balancing test, is reversible only if the trial court abused its discretion. **United States v. Bowers**, 660 F.2d 527, 529 (5th Cir. 1981); **Davis**, 792 F.2d at 1305-06.

The trial court balanced the probative value against the prejudice likely to result from the admission of the voluntary manslaughter conviction, and concluded that the government was entitled to submit to the jury a conviction and the manslaughter conviction - Frazier's most recent conviction - was not inadmissible as prejudicial. The government did not present any damaging details underlying this offense, but merely introduced into evidence the certified copy of Frazier's conviction. The district court did not abuse its discretion in admitting this evidence. **See United States v. Quintero**, 872 F.2d l07, lll (5th Cir. l989), **cert. denied**, 496 U.S. 905, ll0 S.Ct. 2586 (l990).

B.

Frazier also contends that the district court erred in refusing to allow him to assert the defense of voluntary intoxication. The trial court's refusal to allow this defense was correct. An offense under 18 U.S.C. §922(g) is a general intent crime, requiring no proof of scienter. **U.S. v. Schmitt**, 748 F.2d

249, 251, 252 (5th Cir. 1984). The government must prove that the defendant knowingly received a firearm, not that he knew it was unlawful to receive it or that he knew the firearm had traveled in interstate commerce. **See U.S. v. Goodie**, 524 F.2d 515, 518 (5th Cir. 1975). Furthermore, voluntary intoxication is not a defense to a general intent crime. **U.S. v. Molina-Uribe**, 853 F.2d 1193, 1205 (5th Cir. 1988), **cert. denied**, 489 U.S. 1022. Therefore, this argument is without merit.

AFFIRMED.