

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-8576

Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

WILLIAM RICH,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
(M 92 CR 61 4)

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( September 30, 1993 )

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

I.

William Rich was convicted by a jury of conspiracy to launder money and of aiding and abetting the laundering of a monetary instrument. He received two, concurrent 51-month terms of incarceration, a two-year term of supervised release, and a \$100.00 special assessment.

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\*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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

## II.

Rich argues that the district court erred in denying his motion to suppress oral and written statements. On August 9 and 10, 1990, Rich made statements to an IRS agent about his money laundering activities.

Rich appeared voluntarily for the interviews, and no promise had been made that his answers would not be used against him. Upon his arrival, the IRS agent informed Rich of his Miranda v. Arizona, 384 U.S. 436 (1966), rights.

Despite these warnings, Rich made incriminating statements to the IRS agent, and later validated them by signing an affidavit on August 23, 1990, which contained the incriminating statements. The affidavit contained the same Miranda warning that Rich had received at the interview.

As a matter of law, even if Rich had been in custody, he received proper oral and written Miranda warnings and waived his rights. Accordingly, Rich voluntarily, knowingly, and intelligently waived his right not to have his statements used against him.

Rich cannot escape his incriminating statements by pointing to discrepancies between his testimony of August 9 and 10, and the written affidavit. The affidavit Rich proofed, changed, and signed clearly stated that it was a true, accurate, and complete account of his testimony.

In addition, Rich argues that the conflicting trial testimony of various individuals should have been suppressed, but this

testimony concerned the degree of his cooperation with the government and had nothing to do with the voluntariness of his statements.

Moreover, Rich argues that he had debilitating headaches before his interview that impaired his ability to understand his rights. This argument is raised for the first time on appeal. As a factual question that does not raise the specter of manifest injustice, it will not be considered.

### III.

Rich challenges the sufficiency of the evidence to support his convictions. He claims that he was convicted solely upon his association with coconspirators, that he did not know the source of the illegal proceeds involved, that there was no evidence of his agreement to enter into a conspiracy, and that his statement to law enforcement officials was taken out of context and inaccurate.

To obtain a conviction for conspiracy under 18 U.S.C. § 371, the government must prove an agreement by two or more persons to pursue an unlawful objective together, that the defendant voluntarily agreed to join the conspiracy, and that one of the members of the conspiracy performed an overt act to further the objectives of the conspiracy. United States v. Parekh, 926 F.2d 402, 406 (5th Cir. 1991).

To obtain a conviction for money laundering under 18 U.S.C. § 1956, the government must prove that the defendant knowingly conducted a financial transaction that involved the proceeds from an illegal activity and that the transaction was designed to

disguise the nature or source of those proceeds. 18 U.S.C. § 1956(a)(1)(B)(i).

To obtain a conviction for aiding and abetting illegal activity under 18 U.S.C. § 2, the government must prove that a defendant was associated with a criminal venture, participated in the venture, and sought by his action to make the venture succeed. Parekh, 926 F.2d at 406.

Ample record evidence exists from which a rational jury could find beyond a reasonable doubt that Rich was guilty of money laundering and aiding and abetting in that crime. Of particular significance in this regard is the fact that Rich had illicit dealings with his coconspirators, agreed to such dealings, and knew that the money he received was drug related. Accordingly, the district court is AFFIRMED.