

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-3388  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MORRIS POLLARD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CR 93-0021 N  
- - - - -  
(January 5, 1994)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Morris Pollard argues that the district court erred in denying him a two-level reduction for acceptance of responsibility because he admitted committing the acts charged. This Court's review of his sentence is confined to determining whether the sentence was imposed in violation of law or as a result of an incorrect application of the sentencing guidelines. United States v. Shipley, 963 F.2d 56, 58 (5th Cir.), cert. denied, 113 S.Ct. 348 (1992). The district court's determination

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

regarding acceptance of responsibility is entitled to even greater deference than that accorded under a "clearly erroneous" standard. United States v. Kinder, 946 F.2d 362, 367 (5th Cir. 1991), cert. denied, 112 S.Ct. 1677 (1992).

Section 3E1.1 of the sentencing guidelines provides a two-level reduction to a defendant who "clearly demonstrates acceptance of responsibility for his offense[.]" U.S.S.G. § 3E1.1(a). The defendant bears the burden of proving his entitlement to this downward adjustment. Kinder, 946 F.2d at 367. A defendant is not entitled to the reduction as a matter of right simply because he enters a guilty plea. § 3E1.1, comment. (n.3); Shipley, 963 F.2d at 58.

In his interview with the probation officer, Pollard blamed his commission of the offense on five unidentified young men and attempted to justify his behavior because of his fear of "being beaten up, threatened and shot at." He also stated that he did not believe what he did was wrong. Pollard's attempt to minimize his involvement in the offense supports the district court's refusal to grant a two-level reduction for acceptance of responsibility. See United States v. Watson, 988 F.2d 544, 551 (5th Cir. 1993), petition for cert. filed, (U.S. July 29, 1993) (No. 93-5407). The district court did not clearly err in denying Pollard the downward adjustment.

AFFIRMED.