

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 93-4152
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

LEONARD LEO OSWALD, III, a/k/a Lenny Oswald,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
(92-CR-20012-01)

(December 2, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:¹

Having pled guilty to a drug offense, Appellant appeals his sentence and contends that the district court erred in determining the relevant conduct, violated Federal Rule of Criminal Procedure 32(c)(3)(D), and defendant's right of confrontation. We find no error and affirm.

First, Appellant argues that he should have been sentenced only on the amount of drugs involved in the offense of conviction and not on the larger amount shown in the presentence report as

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

having been involved in his other relevant criminal conduct. This argument has no merit. U.S.S.G. § 1B1.3(a)(2); see U.S.S.G. § 2D1.1, cmt. (n.12); United States v. Kinder, 946 F.2d 362, 366-67 (5th Cir. 1991), cert. denied, 112 S.Ct. 1677 (1992).

Next, Appellant claims that information in the presentence report regarding drug quantities was not reliable. The district court specifically adopted the information in paragraph 22 of the report and specifically found that information reliable. This finding fully complied with Rule 32(c)(3)(D). See United States v. Sherbak, 950 F.2d 1095, 1099 (5th Cir. 1992). Our examination of the presentence report convinces us that the information in that paragraph, and all the remaining factual information in the presentence report, was fully reliable and support several times over the district court's finding as to the amount of drugs appropriate for sentencing purposes. See United States v. Sanders, 942 F.2d 894, 897 (5th Cir. 1991). Appellant's argument that the information in paragraph 22 was furnished by an unidentified confidential informant and is, therefore, unreliable, is unavailing.

Finally, Appellant argues that the sentence is based on hearsay information and hence violates his right of confrontation. Our precedent is to the contrary. United States v. Young, 981 F.2d 180, 187 (5th Cir. 1992), cert. denied, 113 S.Ct. 2454 (1993).

AFFIRMED.