

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-4994  
Summary Calendar

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UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,  
  
v.  
  
CRAIG BROUGHTON,  
  
Defendant-Appellants.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(93-CR-81)

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(April 6, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.\*

PER CURIAM:

Appellant Craig Broughton, charged with possessing crack with intent to distribute it within 1,000 feet of a school, was certified by the district court to be tried as an adult rather than a juvenile pursuant to 18 U.S.C. § 5032. This issue is appealable under the collateral order doctrine, as other circuit courts have held. See, e.g., United States v. Gerald N., 900 F.2d 189 (9th

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Cir. 1990). We find no abuse of discretion in the district court's decision to transfer and so affirm.

Section 5032 requires the district court, in determining whether to transfer a juvenile to trial as an adult, to specifically rule on six factors in reaching its decision: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; and the availability of programs designed to treat the juvenile's behavioral problems. The district court did consider these six criteria explicitly and made findings on the record. On appeal, the public defender insists that the court clearly erred in five of its six factual findings. We disagree. There was evidence to support each of the district court's findings that supported the decision to transfer Broughton for trial as an adult. Contrary to the defender's assertions, none of the evidence considered by the district court, such as Broughton's numerous unadjudicated offenses, was irrelevant. It is unnecessary to rehash the evidence here, for it is well known to both parties to the appeal. The court did not abuse his discretion in ordering a transfer.

**AFFIRMED.**