

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20917
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHRISTOPHER JAMES MYLETT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-93-0163
- - - - -

November 21, 1995

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Christopher James Mylett appeals his jury convictions for conspiracy to commit mail fraud and mail fraud. Mylett argues that the district court abused its discretion in refusing to order a mistrial because a Government witness violated the district court's order prohibiting testimony regarding the fact that the witness had taken a polygraph exam. Mylett also argues

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

that the district court abused its discretion in admitting expert testimony regarding matters which were the subject of a discovery request pursuant to Fed. R. Crim. P. 16(a)(1)(E).

Based upon a careful review of the record, we hold that there was not a significant possibility that the witness' statement that he had taken a polygraph exam had a substantial impact upon the jury verdicts. We further hold that Mylett's substantial rights were not violated by the district court in admitting the expert testimony and in fashioning a remedy under Fed. R. Crim. P. 16(d)(2).

AFFIRMED.