

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50361  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT C. MITCHELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-89-CR-122-ALL  
- - - - -

April 19, 1996

Before HIGGINBOTHAM, DUHÉ and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Robert C. Mitchell appeals his jury conviction of four counts of willful failure to make income tax returns for the 1983, 1984, 1985, and 1986 tax years. Mitchell argues that the district court erred by allowing the jury to deliberate without certain defense exhibits, that the district court erroneously instructed the jury concerning definitions, elements of the offense, and "Fifth Amendment" returns, and that the district court erred in its response to a note from the jury during

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

deliberations. He also argues that he was denied effective assistance of counsel because of counsel's failure to object to the jury instructions, failure to object to the jury deliberating without the missing documents, and counsel's alleged false statements regarding the missing documents. Mitchell argues that there was insufficient evidence to support his conviction.

Having reviewed the arguments and the record, we find no reversible error and AFFIRM Mitchell's convictions.

AFFIRMED.