

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-50635  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES TYRONE HOSKINS,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-94-CR-97-5  
- - - - -

April 29, 1996

Before DAVIS, JONES, and DeMOSS, Circuit Judges.

PER CURIAM:\*

James Tyrone Hoskins appeals his sentence for bank robbery. Our review of the record and the arguments and authorities convince us that no reversible error was committed. The district court's application of the cross-reference provision contained in U.S.S.G. 2.B3.1(c) was not clearly erroneous. Hoskins has failed to demonstrate his withdrawal from the joint criminal activity, and the murder of Mrs. Parker was reasonably foreseeable in connection with the bank robbery and botched get-away. United

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

States v. Puig-Infante, 19 F.3d 929, 942, 944-46. (5th Cir. 1994). The district court did not impermissibly rely upon trial testimony, as the incident referred to by the court was included in Hoskins' presentence report.

IT IS FURTHER ORDERED that, in the interests of judicial efficiency, Hoskins' appeal is severed from that of his co-defendant, Anthony James Coleman.

AFFIRMED.