

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10247
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

VIOLET SHAWN TILLIS, also known as Dee

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas
(3:95-CR-252-X)

January 13, 1997
Before KING, DAVIS, and BENAVIDES, Circuit Judges:

PER CURIAM:*

Violet Shawn Tillis appeals her sentence for distribution of cocaine base within 1000 feet of an elementary school, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 860(a). She argues that the district court: 1) misapplied the guidelines and imposed a sentence grossly in excess of the sentence required or the sentence agreed to in the plea agreement; 2) permitted the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

introduction of hearsay testimony at the sentencing hearing; and 3) erred in calculating the amount of drugs, because it impermissibly included quantities of drugs not specified in the count of conviction. She further argues that the disparity in the penalty provisions and sentencing guidelines applicable to crack cocaine and cocaine base violated her equal protection rights.

The Government's motion to dismiss the appeal because Tillis waived her right to appeal on the grounds raised is GRANTED. See United States v. Portillo, 18 F.3d 290, 292-93 (5th Cir.), cert. denied, 115 S. Ct. 244 (1994).

MOTION GRANTED; APPEAL DISMISSED.