

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10379
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHNNY DEWAYNE WILSON,
also known as Wince,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CR-252-X
- - - - -

February 24, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Johnny Dewayne Wilson appeals his convictions for conspiracy to distribute 50 grams or more of cocaine base and for aiding and abetting in the distribution of cocaine base within 1,000 feet of a public elementary school. He complains of a material variance between the evidence and the indictment, insufficiency of the evidence, and the amount of cocaine attributed to him at

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sentencing. Our review of the record and the arguments and authorities convinces us that no reversible error was committed. There was no variance between the indictment and the proof at trial, and thus no clear or obvious error was committed by the district court. See United States v. Calverley, 37 F.3d 160, 162 (5th Cir. 1994) (en banc), cert. denied, 115 S. Ct. 1266 (1995). The evidence was not devoid of evidence pointing to Wilson's guilt. See United States v. Johnson, 87 F.3d 133, 136 (5th Cir. 1996). Nor did the district court clearly err in determining the quantity of drugs attributable to Wilson. See United States v. Maseratti, 1 F.3d 330, 340 (5th Cir. 1993), cert. denied, 510 U.S. 1129 (1994).

AFFIRMED.