

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11029

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAWERNCE DERWOOD KENEMORE, JR.,
also known as Lawrence D. Kenemore,
also known as Larry Kenemore,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CR-099-D

August 28, 1997

Before KING, HIGGINBOTHAM, and DeMOSS, Circuit Judges.

PER CURIAM:*

A jury convicted Lawernce Derwood Kenemore, Jr., of conspiracy to commit mail fraud, conspiracy to embezzle funds from employee benefit plans, conspiracy to launder money, mail fraud, embezzlement from employee benefit plans, money laundering, and making a false statement to the United States Department of Labor.

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Most of Kenemore's 56 contentions on appeal are frivolous. The district court did not commit reversible error in conducting the trial. Each time it denied one of Kenemore's motions, it acted within its discretion in managing the evidence and the presentations of the adversaries. The prosecution's comments and strategy did not deny Kenemore a fair trial or infringe on his constitutional rights. We can find no instructional error. We cannot discern any reversible error in Kenemore's sentence. Finally, Kenemore's conviction does not violate the Speedy Trial Act because the district court conducted an ends-of-justice analysis, found that the case was "complex" under 18 U.S.C. § 3161(h)(8)(B)(ii), and granted two continuances to a co-defendant, the first of which was within 70 days of Kenemore's initial court appearance. See United States v. Jones, 56 F.3d 581, 583 n.4 (5th Cir. 1995).

Because he has filed a reply brief and this appeal is concluded, Kenemore's motions for declaratory relief and for a writ of mandamus against the Bureau of Prisons are DENIED as moot. His motion for release pending appeal is similarly DENIED as moot.

AFFIRMED.