

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No.96-20838  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TRILBY DEAN MAY, also known as  
Denny May,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(96-CR-35-1)

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May 29, 1997

Before POLITZ, Chief Judge, DAVIS and DENNIS, Circuit Judges.

PER CURIAM:\*

Trilby Dean May appeals the sentence imposed following her conviction for concealing assets in contemplation of bankruptcy,<sup>1</sup> contending that the district court

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

<sup>1</sup>18 U.S.C. § 152.

erred in determining the amount of loss sustained by the bankruptcy trustee and, thus, incorrectly calculated her offense level. May maintains that because the trustee reached a settlement agreement with her, the trustee conceded that his actual loss was the \$25,000 for which the parties settled and not the \$65,012 that the trustee originally claimed as his loss. That the trustee agreed to settle for an amount less than that originally claimed was not an admission that the lesser sum more accurately reflected the actual loss.

The record contains no evidence suggesting that \$65,012 was not the amount of actual loss sustained by the trustee. The district court did not commit reversible error in using that amount for sentencing purposes. Furthermore, the district court did not abuse its discretion in ordering May to pay restitution in the amount equal to the difference between the actual loss and the amount the trustee received in the settlement agreement.

**AFFIRMED.**