

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30040
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK O. OGBEIDE,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 95-CR-18

August 19, 1996
Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Patrick Ogbeide appeals his conviction for making false claims against the United States (submitting false income tax returns for three persons). He contends that the district court erred by admitting his 1991 1040 income-tax return and accompanying refund check into evidence, and that the evidence was insufficient to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

support his conviction.

Ogbeide's 1040 form was intrinsic evidence; it was prepared along with the returns forming the basis of Ogbeide's conviction as part of a single scheme to defraud. The admission of the form was not an abuse of discretion. ***United States v. Coleman***, 78 F.3d 154, 156 (5th Cir. 1996). Ogbeide did not object in the district court to the admission of the refund check, and he has not shown that its admission was plain error. See ***United States v. Calverley***, 37 F.3d 160, 162-64 (5th Cir. 1994)(en banc), *cert. denied*, __ U.S. __, 115 S. Ct. 1266 (1995).

Regarding sufficiency of the evidence, Ogbeide contends only that the evidence did not show that he was the perpetrator. The evidence was sufficient for a reasonable jury to have found beyond a reasonable doubt that Ogbeide prepared the false income-tax returns on which his conviction was based. See ***United States v. Okoronkwo***, 46 F.3d 426, 430 (5th Cir.), *cert. denied*, __ U.S. __, 116 S. Ct. 107 (1995).

AFFIRMED