

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40108
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RODERICK EDWARD SCOTT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-CR-80-1
- - - - -

August 7, 1996

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Roderick Scott appeals his convictions for conspiracy to possess with intent to distribute crack cocaine and for possession with intent to distribute crack cocaine. He argues that: 1) the evidence was not sufficient to support his conviction on either count; 2) the district court erred by failing to give the jury an instruction pursuant to Pinkerton v. United States, 328 U.S. 640 (1946); 3) the district court erred by admitting evidence of Scott's prior acts of drug trafficking through the testimony of a

¹Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

coconspirator; and 4) the district court erred by admitting the Government's tape-recorded conversations between Scott and two coconspirators as statements against interest. We have reviewed the record and the briefs of the parties and hold that the evidence was sufficient for a reasonable jury to find Scott guilty beyond a reasonable doubt. Additionally, Scott has failed to show that the district court's evidentiary rulings were erroneous.

AFFIRMED.