

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40415
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JOHN R. NEWMAN, also known as Dick Newman and
VIRGINIA L. NEWMAN, also know as Jenny Newman,

Defendants-Appellants.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:95-CR-18-1

April 16, 1997
Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

John R. Newman and Virginia L. Newman appeal their convictions and sentences for bankruptcy fraud. The district court did not err by refusing to dismiss the indictment for an alleged misstatement of law made to the grand jury as the Newmans have not shown that they were prejudiced by the misstatement.

See Bank of Nova Scotia v. United States, 487 U.S. 250, 254

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1988); United States. v. McKenzie, 678 F.2d 629, 634 (5th Cir. 1982). The district court did not abuse its discretion in excluding, as hearsay, testimony by James Moon regarding what the Newmans had told him of how they had determined the value of their jewelry. United States v. Liu, 960 F.2d 449, 452 (5th Cir. 1992). The district court did not commit clear error in determining the amount of loss under U.S.S.G. § 2F1.1(b). United States v. Wimbish, 980 F.2d 312, 313 (5th Cir. 1992).

AFFIRMED.