

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-41054  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RENE CAVAZOS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. M-96-CR-99-01  
- - - - -

November 7, 1997

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:\*

Rene Cavazos appeals his convictions for using and carrying a firearm during and in relation to a drug-trafficking offense and for conspiracy to use and carry a firearm during and in relation to a drug-trafficking offense. Cavazos contends that there was insufficient evidence to support his convictions, that the district court abused its discretion in denying his motion for continuance, and that he was denied the effective assistance of counsel.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and the briefs of the parties and hold that there was sufficient evidence to support Cavazos' convictions. A reasonable jury could have found the elements of the charged offenses beyond a reasonable doubt. See United States v. Pineda-Ortuno, 952 F.2d 98, 102 (5th Cir. 1992); see also United States v. Speer, 30 F.3d 605, 612 (5th Cir. 1994).

We further hold that the district court did not abuse its discretion in denying Cavazos' motion for continuance. See United States v. Scott, 48 F.3d 1389, 1393 (5th Cir. 1995). Cavazos also has not shown that he was prejudiced by the denial of his motion since he has not shown that the polygraph test results would have been admissible at trial. See id.; see also United States v. Pettigrew, 77 F.3d 1500, 1515 (5th Cir. 1996).

Finally, we decline to address Cavazos' claim of ineffective assistance of counsel raised for the first time on appeal. See United States v. Higdon, 832 F.2d 312, 313-14 (5th Cir. 1987). Although Cavazos' general allegations of ineffective assistance in his motion for new trial were addressed by the district court at sentencing, the specific allegations raised on appeal were not presented to the district court. See United States v. Andrews, 22 F.3d 1328, 1345 (5th Cir. 1994).

AFFIRMED.