

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50413
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANKLIN ROLLIN JOHNSTON, also known
as Johnny Johnston; JERRY LYNN WILKINS,
BILLY MACK O'NEILL, also known as
BILL O'NEILL,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CR-154
- - - - -

June 3, 1997

Before DAVIS, EMILIA M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Jerry Lynn Wilkins and Franklin Rollin Johnston appeal the district court's denial of their motions to dismiss the indictment on grounds of double jeopardy. We AFFIRM. See United States v. Singleton, 16 F.3d 1419, 1422 (5th Cir. 1994).

AFFIRMED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.