

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

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No. 97-11386

(Summary Calendar)

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYMAN J. DAVIS, JR.; IDA R. RODGERS,

Defendants - Appellants.

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Appeals from the United States District Court  
For the Northern District of Texas  
(3:96-CR-371-4-G)  
February 12, 1999

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Before EMILIO M. GARZA, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Wayman J. Davis, Jr., and Ida R. Rodgers were convicted and sentenced for conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 371 and 1344, and aiding and abetting in bank fraud, in violation of 18 U.S.C. §§ 2(a) and 1344. They appeal. Davis challenges the following, each of which relates to his sentence: (1) the district court's attribution of all losses to Davis that occurred during the time Davis was involved in the criminal activity; (2) the district court's finding that there were five or more participants in the criminal activity in which Davis was involved; and (3) the district court's refusal to conduct a hearing on Davis' objections to the Presentence Report. Rodgers

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH Cir. R. 47.5.4.

challenges the following: (1) the district court's refusal to admit the Assistant United States Attorney's letter to Davis' counsel, which included a threat to indict Rodgers if Davis did not plead guilty; (2) the district court's admission of opinion testimony by Lewis Henry Anthony about what Rodgers knew; (3) the sufficiency of the evidence underlying Rodgers' conspiracy conviction; and (4) the district court's failure to reduce Rodgers' sentence based on minor or minimal participation. Having reviewed the arguments, record and pertinent law, we hold that the district court did not commit reversible error as to any of the issues presented. We, therefore, affirm.