

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30264
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SCOTT HASHIMOTO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CR-101-R
- - - - -

March 4, 1998

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:*

Scott Hashimoto appeals his guilty-plea conviction and sentence for conspiracy to possess with intent to distribute methamphetamine, a violation of 21 U.S.C. § 846, and conspiracy to launder monetary instruments, a violation of 18 U.S.C. § 1956 (a)(1)(A).

Hashimoto's contention that the district court erroneously relied on the hearsay statements of unnamed codefendants is not supported by the record. See United States v. Manrique, 959 F.2d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1155, 1158 (5th Cir. 1992); FED. R. CRIM. P. 32(c)(1); U.S.S.G. § 6A1.3.

Hashimoto also argues that the district court clearly erred in imposing a two-level offense-level enhancement based on his role as a manager or supervisor in the offense, pursuant to U.S.S.G. § 3B1.1(c). The district court misapplied the guideline when it determined that Hashimoto's exercise of "independent control over the drugs and money involved in the offense" satisfied the guideline requirements. See id., comment. (n.2); United States v. Giraldo, 111 F.3d 21, 24 (5th Cir.), cert. denied, 118 S. Ct. 322 (1997). A defendant's exercise of "management responsibility over the property, assets, or activities of a criminal organization" may warrant an upward departure, but not an offense-level enhancement under § 3B1.1. See § 3B1.1, comment. (n.2); Giraldo, 111 F.3d at 24. Accordingly, Hashimoto's sentence is VACATED and this case is REMANDED for resentencing as to this issue.

VACATED AND REMANDED.