

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30891
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD L. PUCH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 97-CR-30005-1
- - - - -

April 9, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Donald L. Puch appeals his jury conviction for conspiracy with intent to distribute cocaine and possession with intent to distribute cocaine. He argues that the district court abused its discretion in admitting testimony of the "street" value of the cocaine given his offer to stipulate to the quantity and that the district court clearly erred in finding that his consent to the search of his vehicle had been freely given prior to his arrest.

Puch has not shown that the probative value of the evidence of the cocaine's "street" value is substantially outweighed by

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the danger that the evidence would inflame the passions of the jury. Fed. R. Evid. 403; United States v. Rosa-Fuentes, 970 F.2d 1379, 1382 (5th Cir. 1992). With due deference to the magistrate judge's credibility determination, and viewing the evidence in the light most favorable to the Government, the magistrate judge's finding that the consent was freely given prior to the arrest is plausible in light of the record viewed in its entirety and thus was not clear error. United States v. Thompkins, 130 F.3d 117, 119-20 (5th Cir. 1997); United States v. Breeland, 53 F.3d 100, 103 (5th Cir. 1995).

AFFIRMED.