

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-40493  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK L. HORN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:94-CR-57-1  
- - - - -

November 20, 1997

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

Patrick L. Horn appeals his guilty-plea conviction for bank robbery, car jacking, possession of a firearm during a crime of violence, and aiding and abetting. Horn argues that the district court abused its discretion in denying his motion to withdraw his guilty plea as to the car jacking offense. Horn maintains that he was not guilty of the car jacking offense because he did not intend to cause death or serious bodily injury to the victim. Horn failed to meet his burden of proof to establish a fair and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

just reason for the withdrawal of his guilty plea. See United States v. Hurtado, 846 F.2d 995, 997 (5th Cir. 1988). A claim of innocence does not by itself warrant the withdrawal of a guilty plea. United States v. Carr, 740 F.2d 339, 344 (5th Cir. 1984). Horn did not consistently maintain his innocence. Horn received close assistance from counsel in connection with his guilty plea. Further, the record shows that Horn's guilty plea was knowing and voluntary. Horn has not shown that the district court abused its discretion in denying his motion to withdraw his guilty plea. United States v. Bounds, 943 F.2d 541, 543 (5th Cir. 1991).

AFFIRMED.