

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41376  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GORDON DAVIS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-97-CR-122-7  
- - - - -

October 23, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges

PER CURIAM:\*

Gordon Davis appeals his conviction for conspiracy and possession with intent to distribute marijuana. His argument that the evidence was insufficient to prove his identity is wholly unsupported by the record and is without merit because identity was not an issue at trial. His argument regarding the district court's admission of testimony connecting him to a gun is meritless. The admission of evidence tending to show the existence of the conspiracy and the falsity of a defendant's version of events is not an abuse of discretion. See e.g.,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. Walker, 710 F.2d 1062, 1066 (5th Cir. 1983). In addition, such evidence is probably intrinsic to the offenses charged, and therefore admissible. See United States v. Ridlehuber, 11 F.3d 516, 522 (5th Cir. 1993). Similarly meritless is Davis' argument that the district court erred in questioning a witness who was an informant about payment he received from the government. The questions were aimed at clarifying the informant's proprietary interest in testifying, and thus were not prejudicial. The district court did not plainly err in questioning the witness. See United States v. Bermea, 30 F.3d 1539, 1569 (5th Cir. 1994).

AFFIRMED.