

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30133
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

W. HAROLD SELLERS; ROBERT DUPRE,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 93-CR-327-C
- - - - -

November 23, 1998

Before REAVLEY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:*

Robert Dupre and W. Harold Sellers were each convicted by jury verdict of conspiracy to commit bank fraud, two counts of bank fraud, two counts of making false statements to a federally-insured bank, and eight counts of money laundering. We affirmed their convictions on all counts and affirmed Dupre's sentence, but vacated Seller's sentence and remanded for reconsideration of his restitution order and for specific factual findings on whether an obstruction-of-justice enhancement was warranted. Appellants subsequently filed a motion for new trial for Brady

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

violations and on grounds of newly discovered evidence. The district court denied this motion, and Appellants appeal the denial of their motion.

Brady determinations are reviewed de novo and warrant reversal "only if there is a 'reasonable probability' that the outcome of the trial would have been different if the evidence had been disclosed to the defendant." United States v. Gonzales, 121 F.3d 928, 946 (5th Cir. 1997)(citations omitted), cert. denied, 118 S. Ct. 726 (1998), and cert. denied, 118 S. Ct. 1084 (1998).

We agree with the district judge. Even if the newly discovered evidence was suppressed by the Government, the evidence lacks sufficient significance to warrant reversal. It is therefore unnecessary to determine whether the Government actually suppressed this newly discovered evidence.

AFFIRMED.