

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-30635

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GARY L. CLARK,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
(97-50050-01)

June 7, 1999

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Gary L. Clark appeals his conviction by a jury of violating the Hobbs Act¹ and a Civil Rights statute.² He also appeals his sentence. Clark claims that the evidence is insufficient to support his conviction, that the district court erred reversibly in instructing the jury on state law and refusing to give Clark's proposed instruction, and in denying Clark's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ 18 U.S.C. § 1951.

² 18 U.S.C. § 242.

suggestion that the Hobbs Act and Civil Rights counts should be grouped for sentencing purposes.

The Hobbs Act counts and the Civil Rights counts arise from Clark's activities while Chief of Police in Logansport, Louisiana, and involve his disposition of a number of traffic tickets from stops of interstate motorists and fines for other criminal violations by intrastate defendants. The charges implicate extortion and diversion of funds from intended governmental recipients, namely the Town of Logansport, and the 11th Judicial District Court, DeSoto Parish, Louisiana.

We have reviewed the record on appeal and considered the positions of counsel as presented in their appellate briefs and their arguments before the court. As a result, we are satisfied that the district court did not commit reversible error in the conduct of Clark's trial or in his sentencing. Therefore, his conviction and his sentence are, in all respects, AFFIRMED.