

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40918
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONNA PORTER HEDRICK,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 2:97-CR-11-5
- - - - -

May 25, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Donna Porter Hedrick appeals from her conviction of conspiracy to possess crack cocaine with intent to distribute. Hedrick argues that her plea was involuntary because she did not understand the nature of duress as a defense to criminal liability; because she pleaded guilty to obtain medical treatment; and because she was mentally disabled. She contends that her duress defense rendered the factual basis for her plea inadequate.

The Government argues that Hedrick waived her right to appeal.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 explanation of the waiver provision of the plea agreement offered at Hedrick's sentencing hearing, however, limited the waiver to sentencing issues only. Although Hedrick raises no sentencing issues in this appeal, the issues she raises are not barred by the waiver provision.

Regarding Hedrick's contentions, our de novo review of the record of Hedrick's plea hearing indicates that her plea was knowing and voluntary. See *United States v. Amaya*, 111 F.3d 386, 388 (5th Cir. 1997). Our review of the record indicates that the district court's finding that there was a factual basis for Hedrick's guilty plea was not erroneous. *United States v. Schmalzried*, 152 F.3d 354, 356 (5th Cir. 1998).

AFFIRMED.