

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-60721  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAY PETTIS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:97-CR-2-2/PG  
- - - - -

November 12, 1999

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:\*

Ray Pettis appeals his conviction for three counts of use of interstate commerce for purpose of fraud or deceit in violation of 15 U.S.C. § 77q. He raises three issues on appeal:

(1) whether the district court erred in denying his motion to dismiss the indictment or to suppress evidence based on his testifying before the grand jury after being told by the prosecutor that he was not a target of the investigation;

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(2) whether the district court abused its discretion in admitting the videotaped statements of an alleged co-conspirator; and (3) whether the evidence was sufficient to support his conviction. Pettis also raised the issue of an inconsistent jury verdict in his statement of the issues but he abandoned this issue by failing to brief it. See FED. R. APP. P. 28(a)(9); Yohey v. Collins, 985 F.2d 222, 224 (5th Cir. 1993).

Pettis testified at trial that he did not tell the grand jury about the financial transactions guaranteed by promissory notes and that he did not tell the grand jury about the three people whose transactions were involved in the three counts for which he was convicted. Therefore, the district court did not err in denying the motion to dismiss or to suppress.

The videotaped statement of Scott Burris, a co-conspirator, did not mention Pettis and did not implicate him in any wrongdoing. Pettis has not shown how admission of this evidence affected his substantial rights, therefore, this argument is without merit. See FED. R. CRIM. P. 52(a).

Finally, Pettis' challenge to the sufficiency of the evidence also fails. Viewing the evidence and all reasonable inferences to be drawn from it in the light most favorable to the jury's verdict, as we must, the evidence was sufficient to support Pettis' convictions. See United States v. Dahlstrom, 180 F.3d 677, 684 (5th Cir. 1999).

AFFIRMED.