

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60395

Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANGEL GUZMAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(CR-C-93-237)

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(January 6, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

A federal jury convicted Jose Angel Guzman of conspiracy to possess cocaine with the intent to distribute in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(A). He contends on appeal that the district court denied him his Sixth Amendment right to cross-examine William Gholson, a paid informant, because he did not receive impeachment material about Gholson until the first day of

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

trial; the district court limited his questioning regarding Gholson's involvement in the sale of child pornography; and the district court placed a time limit on his cross-examination.

Guzman does not show a Sixth Amendment violation based on the fact that he did not receive information about Gholson until the beginning of the trial. On the first day of trial, Guzman filed a discovery motion asking for information regarding the government agencies for which Gholson had worked. The district court ordered the parties to meet during the noon recess. After the recess, Guzman indicated that he was satisfied with the information that he received. Moreover, Guzman does not suggest what further information he could have presented to the jury had he received the discovery material sooner. See United States v. Valdez, 861 F.2d 427, 433 (5th Cir. 1988), cert. denied, 489 U.S. 1083 (1989); United States v. Love, 599 F.2d 107, 108-09 (5th Cir.), cert. denied, 444 U.S. 944 (1979).

The district court did not abuse its discretion in limiting Guzman's cross-examination of Gholson. See United States v. Townsend, 31 F.3d 262, 267-68 (5th Cir.), petition for cert. filed (U.S. Nov. 23, 1994) (No. 94-7024). The district court limited Guzman's cross-examination of Gholson's child pornography history only when Guzman attempted to use inadmissible hearsay to impeach Gholson's testimony. The district court also did not place an impermissible time limit on Guzman's cross-examination of Gholson. The court informed Guzman that it wanted to be finished with the witness by 4:45 p.m. Without any further court intervention,

Guzman voluntarily passed the witness. The district court then informed the attorneys that Gholson would be available for further examination the next day. The following morning, the government asked Gholson some questions on redirect. Guzman then began to ask Gholson a few questions on re-cross, but stopped when the court advised him that his questions could not go beyond the scope of redirect. The court instructed Gholson to remain available for recall as a defense witness; however, Guzman did not call him again.

Finally, Guzman was able to elicit sufficient information from Gholson to enable the jury to assess Gholson's bias or motive for his testimony. The jury had before it that Gholson had a felony conviction for tax evasion; that he had a misdemeanor conviction for insurance fraud; that he had once used a false social security number; that he had earned \$750,000 as a paid informant over a twenty-year period for various state and federal law enforcement agencies; that he had been paid for his participation in this transaction; that he had consumed alcohol during the transaction; and that he sold pornographic materials. In sum, "the jury had sufficient information to appraise the bias and motives of the witness." United States v. Tansley, 986 F.2d 880, 886 (5th Cir. 1993).

The district court did not deny Guzman's Sixth Amendment right to cross-examine Gholson. Accordingly, Guzman's conviction is AFFIRMED.