

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 95-10474

(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

UYI KING OSAYANDE, a/k/a King Uyi Osayande,
BEST EGBE AIKPITANYI, a/k/a Best Aikpitany,

Defendants-Appellants.

Appeal from the United States District Court
For the Northern District of Texas
3:94-CR-410-G

June 17, 1996

Before HIGGINBOTHAM, DUHÉ, and, EMILIO M. GARZA Circuit Judges.

PER CURIAM:*

Uyi King Osayande appeals his conviction of conspiracy to possess with intent to distribute heroin and possession with intent to distribute heroin. Best Egbe Aikpitanyi appeals his conviction of aiding and abetting possession with intent to distribute. Osayande argues that there was insufficient evidence to convict him on both counts and that the district court erred in admitting certain evidence at trial. Aikpitanyi argues that there was

* Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

insufficient evidence to convict him, the district court erred in admitting certain evidence at trial, and that the district court erred in attributing 1,164 grams of heroin to him for sentencing purposes. Our review of the record and the relevant authorities convinces us that no reversible error was committed.

Osayande and Aikpitanyi have failed to demonstrate a manifest miscarriage of justice with regard to their claims of insufficient evidence. *United States v. Laury*, 49 F.3d 145, 151 (5th Cir.), *cert. denied*, 116 S. Ct. 162, 133 L. Ed. 2d 105 (1995). The passport evidence was properly admitted as intrinsic evidence. *United States v. Garcia*, 27 F.3d 1009, 1014 (5th Cir.), *cert. denied*, 115 S. Ct. 531, 130 L. Ed. 2d 435 (1994). The district court did not clearly err in including 1,164 grams of heroin as part of Aikpitanyi's relevant conduct for sentencing purposes. *United States v. Woods*, 907 F.2d 1540, 1542-43 (5th Cir. 1990), *cert. denied*, 498 U.S. 1070, 111 S. Ct. 792, 112 L. Ed. 2d 854 (1991).

For the foregoing reasons, we AFFIRM the defendants' convictions and Aikpitanyi's sentence.