

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20995
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALONZO FRANK,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CR-100-1
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Alonzo Frank challenges his conviction for violating the federal bank robbery statute, 18 U.S.C. § 2113. Frank contends that his robbery of a private armored-car courier does not constitute a violation of § 2113 because the funds do not "belong to" the financial institution when they are in the courier's possession. Frank's contention is without merit. When Frank robbed the courier here, he stole funds that "belonged to" the credit union even though the funds were at that moment in the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

possession of an agent of the credit union. See United States v.

Van, 814 F.2d 1004, 1006-08 (5th Cir. 1987) (citing United States v. Jakalski, 237 F.2d 503, 506 (7th Cir. 1956)).

Frank's unbriefed assertion that the district court erred by submitting a purported question of law to the jury is deemed abandoned. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

AFFIRMED.