

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-30003  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES G. "JERRY" LABARBA, SR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 99-CR-50103-1  
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October 1, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

James G. "Jerry" LaBarba, Sr., appeals his jury convictions for conspiring to commit bank fraud and to misapply bank funds and aiding and abetting bank fraud. He argues that the district court erred in excluding proffered evidence of a work-out agreement between him and the defrauded bank. After reviewing the record and the briefs of the parties, we hold that the district court did not abuse its broad discretion in excluding the evidence as being irrelevant to LaBarba's intent and, in any event, did not abuse its discretion in excluding the evidence

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

under Federal Rule of Evidence 403. See United States v. Waldrip, 981 F.2d 799, 806 (5th Cir. 1993); United States v. Tidwell, 559 F.2d 262, 265-67 (5th Cir. 1977).

AFFIRMED.