

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20604  
Summary Calendar

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CLIFFORD WEST,

Petitioner-Appellant,

versus

GARY L. JOHNSON, Director,  
Texas Department of Criminal Justice,  
Institutional Division

Respondent-Appellee.

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Appeal from the United States District Court for the  
Southern District of Texas  
(CA-H-93-3900)

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February 22, 1996

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Clifford West appeals the denial of his petition for federal habeas corpus relief. West's sole contention is that counsel rendered ineffective assistance for failing to raise on direct appeal the claim of insufficient evidence to support his burglary conviction. We have reviewed the record and the briefs of the

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

parties and find no reversible error.

West's fingerprint was found on the inside facet of a piece of glass from the window of the burglarized building. The broken glass came from the burglar's point of entry. The portion of the fingerprint on the broken edge of the glass indicated that West's fingerprint was made during or after the burglary. West was observed in the vicinity of the crime scene on the night of the burglary. Later, when questioned by the police, West gave a false name. The evidence excludes any reasonable hypothesis of innocence under then existing state law. Geesa v. State, 820 S.W.2d 154 (Tex.Crim.App. 1991). Accordingly, West has not shown that counsel was ineffective for failing to raise this claim on direct appeal.

AFFIRMED.