

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20748
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THOMAS E. HUITT; CHARLES L. HENKE,

Defendants-Appellants.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-93-227-2
- - - - -

October 24, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Appellants appeal from the district court's refusal to grant a two-level reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1. Appellants argue that they never denied committing the offenses alleged in the indictment, but they relied upon a public authority defense to the charges. We have reviewed the record and the briefs of the parties and hold that the district court did not err in determining that the appellants

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

were not entitled to a reduction for acceptance of responsibility given the deferential standard of review applied to acceptance of responsibility findings, the finding that the appellants obstructed justice, and given that the appellants put the Government to its burden of proof as to their intent to commit the offenses. United States v. Spires, 79 F.3d 464, 467 (5th Cir. 1996); U.S.S.G. § 3E1.1, comment. (n.2), (n.4).

AFFIRMED.