

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30345  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DIVO JOHN BROCCHINI,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 95-CR-60039  
- - - - -

October 23, 1996

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

PER CURIAM:\*

Divo John Brocchini appeals his sentence for theft or receipt of stolen mail, a violation of 18 U.S.C. § 1708. The district court did not abuse its discretion in departing upward from the guidelines based upon the inadequacy of Brocchini's criminal history category, which did not adequately reflect the extremely high likelihood of recidivism. The district court offered acceptable reasons for the departure, and the departure

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

was reasonable. See United States v. Lambert, 984 F.2d 658, 663  
(5th Cir. 1993)(en banc).

AFFIRMED.