

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60591
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES KEITH JOHNSON,
a/k/a Thunder Eagle Ghost Dancer,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:95CR049-B
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

James Keith Johnson, a/k/a Thunder Eagle Ghost Dancer, appeals his convictions for transportation of stolen money in interstate commerce and money laundering. Johnson contends that the district court violated his Sixth Amendment right to compulsory process by refusing to allow the testimony of two witnesses, Danny Schertz and Terry Bell.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The district court did not abuse its discretion by excluding the testimony of Schertz and Bell because the testimony would have been cumulative and was not needed to assist Johnson in receiving a fair trial under the circumstances of his case or to assist in Johnson's defense. See United States v. Gonzales, 79 F.3d 413, 424 (5th Cir.), cert. denied, 117 S. Ct. 183 (1996); United States v. Davis, 639 F.2d 239, 244 (5th Cir. 1981). In addition, Schertz's and Bell's testimonies would have been irrelevant to the crimes for which Johnson was being tried.

AFFIRMED.