

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10007
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICKIE LEVON SMITH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CR-155-R
- - - - -

August 14, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Rickie Levon Smith was convicted by jury of two counts of bank fraud and misuse of a social security number. The district court sentenced Smith to 46 months' imprisonment followed by five years' supervised release. Smith appeals the district court's denial of his pretrial motion to suppress his confession to the offenses.

The record reveals that F.B.I. Agents Deanna Chapman and Kathy Aiken Fink did not question Smith regarding any alleged

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

criminal activity after he indicated that he wanted to consult with counsel, that Smith initiated further communication by stating that he wanted to speak with the agents concerning the alleged criminal activity, and the agents obtained Smith's confession only after he was advised of his rights following his initiation of the conversation. Thus, the district court's denial of Smith's motion to suppress his confession was not erroneous. See Edwards v. Arizona, 451 U.S. 477, 484-85 (1981); United States v. Chavez-Villarreal, 3 F.3d 124, 126 (5th Cir. 1993).

AFFIRMED.