

**UNITED STATES COURT OF APPEALS**  
**FOR THE FIFTH CIRCUIT**

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No. 97-30106  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SEAN O. WATSON,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Eastern District of Louisiana  
(CR-90-175-M)

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January 20, 1998

Before POLITZ, Chief Judge, DUHÉ and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Convicted by a jury of distributing cocaine base and using and carrying a firearm during and in relation to a drug offense, Sean O. Watson appeals the trial court's denial of his motion under 28 U.S.C. § 2255 to vacate, set aside, or correct

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his sentence. Watson contends that the facts of his offense do not support his conviction for “using” a firearm in violation of 18 U.S.C. § 924(c)(1) in light of the Supreme Court’s intervening decision in **Bailey v. United States**,<sup>1</sup> and that the jury was not instructed properly on the elements necessary to support a conviction for carrying a firearm.

Our review of the record persuades beyond peradventure that the jury was instructed adequately on the elements of “carrying” a firearm and that the evidence abundantly supports Watson’s conviction for that offense. Watson drove an auto containing crack cocaine with a large pistol protruding from beneath the driver’s seat. Watson admitted to ownership of the cocaine and the pistol which he said he carried for protection from robbery. Because of this finding and conclusion we need not determine whether Watson has raised a constitutional argument cognizable on section 2255 review.

The judgment appealed is **AFFIRMED**.

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<sup>1</sup> 116 S.Ct. 501 (1995).