

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-10568  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRE LEFELL REESE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:97-CR-65-ALL

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December 10, 1998

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Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Andre Lefell Reese contends that he is entitled to a new trial on the ground that the Government presented testimony obtained in violation of 18 U.S.C. § 201(c)(2), which prohibits an offer or promise of "anything of value" in exchange for a witness' testimony. Reese contends that the Government violated § 201(c)(2) by agreeing not to prosecute a witness for unrelated charges and by compensating her for relocation expenses in exchange for her testimony against Reese. See *United States v. Singleton*, 144 F.3d 1343, 1358-61 (10th Cir. 1998), *vacated and reh'g en banc granted*,

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

144 F.3d 1361-66 (July 10, 1998). Because Reese did not move the district court to suppress the testimony at issue on the ground that it was obtained in violation of § 201(c)(2), he has waived this argument for purposes of appeal. See **United States v. Chavez-Valencia**, 116 F.3d 127, 128-33 (5th Cir.), *cert. denied*, 118 S. Ct. 325 (1997); FED. R. CRIM. P. 12(b)(3).

***AFFIRMED***