

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10128
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HORACE T. WADE,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:98-CR-283-2-D

November 10, 1999

Before KING, Chief Judge, and DAVIS and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Horace T. Wade was convicted of one count of conspiracy to defraud the United States, two counts of aiding and abetting possession of stolen mail, and one count of possession of unauthorized access devices. On appeal, he argues that the trial court abused its discretion in admitting the statements of his coconspirator under FED. R. EVID. 801(d)(2)(E) and that the evidence was insufficient to uphold his conspiracy conviction.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the briefs and the record and hold that the district court did not abuse its discretion in admitting the challenged evidence. See United States v. Clements, 73 F.3d 1330, 1334 (5th Cir. 1996); Bourjaily v. United States, 483 U.S. 171, 176 (1987); United States v. Triplett, 922 F.2d 1174, 1181 (5th Cir. 1991). As to Wade's challenge to the sufficiency of the evidence, we hold that the evidence was sufficient to permit a rational trier of fact to find the essential elements of the offense beyond a reasonable doubt. See United States v. Bell, 678 F.2d 547, 549 (5th Cir. 1982)(en banc).

AFFIRMED.