

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20438
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROSA MARTINEZ MARTINEZ,
also known as Nina, also
known as Maria Cristina Torres,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CR-393-2

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Appellant appeals the sentence imposed upon her guilty-plea conviction for aiding and abetting the possession with the intent to distribute cocaine. She argues that the district court erred in denying application of the safety-valve provision provided in U.S.S.G. § 5C1.2 because she timely provided to the Government all information and evidence she had concerning the offense.

Under § 5C1.2, the district court may sentence a defendant without regard to the statutory minimum sentence if it is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

determined, inter alia, that the defendant truthfully provided the Government with "all information and evidence the defendant has concerning the offense[.]" § 5C1.2(5). We review a district court's refusal to apply § 5C1.2 based on factual findings for clear error. See United States v. Flanagan, 80 F.3d 143, 145 (5th Cir. 1996). We perceive no such error here.

AFFIRMED.