

March 13, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 05-40544

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WRENKARD SINCLAIR,

Defendant - Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:03-CR-15-1

Before REAVLEY, JOLLY, and DeMOSS, Circuit Judges.

PER CURIAM:*

After review of the briefs and record in this case we are convinced that the confession at issue is admissible in the light of Oregon v. Elstad, 470 U.S. 298 (1985), and Missouri v. Seibert, 542 U.S. 600 (2004), the ultimate holding of which we find in Justice Kennedy's concurrence.

The judgment of the district court is thus

AFFIRMED.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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