

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11093
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAMIAN CHUKWUMA,
also known as Kristopher Aaron,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CR-104-D
- - - - -

July 29, 1998

Before DUHE', EMILIO M. GARZA and DeMOSS, Circuit Judges.

PER CURIAM:*

Damian Chukwuma appeals his convictions for use of a false Social Security number, wire fraud, and money laundering. He argues that the district court should have granted his motion for new trial based on three affidavits attested to after the trial by Juanito Peralto, a government witness, in which Peralto allegedly recants his trial testimony. Chukwuma argues that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Peralto's trial testimony had a substantial effect on the jury's guilty verdict and that the evidence in his affidavits would have, in all reasonable probability, changed the outcome of the verdict.

Peralto's affidavits do not substantially change anything that Peralto said at trial. Chukwuma has not shown that the evidence would probably produce an acquittal. The district court did not abuse its discretion in denying the motion for new trial. United States v. Time, 21 F.3d 635, 642-43 (5th Cir. 1994).

AFFIRMED.