

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 97-51035

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

FRANKLIN ROBLIN JOHNSTON, also known as Johnny Johnston,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(A-95-CR-154-2)

February 11, 1999

Before GARWOOD, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

After reviewing the record in this case and considering the arguments and briefs of counsel, we conclude that even if the district court committed error in this case, that error was harmless. Both counsel assured us at argument that Johnson will serve no additional time as a result of this sentence because it runs concurrently with a previously imposed sentence and Johnston is entitled to full credit for time served on the previous conviction.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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