

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20839

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

PAUL ROOSEVELT BANKS, also known as
Paul Robert Banks,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas, Houston
(H-95-CR-219-1)

September 23, 1999

Before KING, Chief Judge, and JONES and STEWART, Circuit Judges.

PER CURIAM:*

The district court's ruling denying the appellant's motion to dismiss the indictment based on his claim that the government lost or destroyed evidence in bad faith is not clearly erroneous. The evidence was sufficient for a jury to find that the appellant intentionally conspired to possess with intent to distribute crack cocaine as charged in count one of the indictment. Finally, the district court's decision to enhance appellant's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sentence two levels based on his leadership role in the offense is not clearly erroneous.

The appellant's judgment of conviction and sentence are AFFIRMED.