

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51134
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BRANDY MICHELE SHIPMAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-98-CR-656-3

October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Brandy Michele Shipman appeals her jury conviction for conspiracy to possess with intent to distribute marijuana in violation of 21 U.S.C. §§ 841 and 846. She argues that she was constructively denied the assistance of counsel at her sentencing hearing. The record is sufficiently developed to consider Shipman's claim on direct appeal. See United States v. Scott, 159 F.3d 916, 924 (5th Cir. 1998). Shipman had counsel at the sentencing hearing who reasserted her objections to the Presentence Report, argued that she should be sentenced at the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

low end of the guideline range, that the district court recommend sending her to boot camp, and that she be allowed to remain on bond pending appeal. Therefore, Shipman was not constructively denied counsel at the sentencing hearing. See United States v. Cronin, 466 U.S. 648, 658-59 (1984).

AFFIRMED.