

FILED

JUL 31 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

RAMONA CLEMENCIA GARCIA DE
LOMAS, AKA Ramona Garcia De Lomas,

Defendant-Appellant.

No. 16-10435

D.C. No.

4:14-cr-01561-FRZ-EJM-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Frank R. Zapata, District Judge, Presiding

Submitted July 23, 2018**
San Francisco, California

Before: THOMAS, Chief Judge, and HAWKINS and McKEOWN, Circuit Judges.

Ramona Clemencia Garcia de Lomas appeals her bench-trial convictions for conspiracy to transport illegal aliens for the purpose of commercial advantage or

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

private financial gain and bringing in an illegal alien for profit, in violation of 8 U.S.C. § 1324(a). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Garcia de Lomas contends that the district court erred by permitting the government to impeach her trial testimony with prior inconsistent statements she made at an earlier change of plea hearing. *See* Fed. R. Evid. 410(a). We need not decide this question because, even if the district court erred in permitting the government to question Garcia de Lomas concerning her prior testimony, any error was harmless given the amount of evidence supporting her convictions.

See United States v. Sayakhom, 186 F.3d 928, 936 (9th Cir. 1999) (though admission of plea negotiation statements at trial violated Rule 410, the error was harmless given compelling evidence of defendant's guilt); *id.* ("An error not of constitutional magnitude may be disregarded if the government shows that the prejudice resulting from the error was more probably than not harmless.").

AFFIRMED.