

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 05-14710

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
October 10, 2006
THOMAS K. KAHN
CLERK

D. C. Docket No. 04-00009 CR-T-N

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID DEJUAN WISE,
a.k.a. Julio,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama

(October 10, 2006)

Before ANDERSON and DUBINA, Circuit Judges, and VINSON,* District Judge.

PER CURIAM:

*Honorable C. Roger Vinson, United States District Judge for the Northern District of Florida,
sitting by designation.

Appellant David DeJuan Wise (“Wise”) appeals his convictions and sentences for conspiracy to distribute and possess with the intent to distribute cocaine hydrochloride, in violation of 21 U.S.C. § 846; possession with the intent to distribute cocaine hydrochloride, and aiding and abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2; and possession of cocaine base, in violation of 21 U.S.C. § 844(a).

Wise presents the following issues for appellate review: (1) whether the evidence presented at trial was sufficient to sustain Wise’s convictions on Counts 1, 2 and 3 of the superseding indictment; (2) whether the district court ruled correctly when it excluded evidence concerning a letter written by Joanna Hooks; (3) whether the district court abused its discretion when it excluded Wise’s defense of diminished capacity; and (4) whether the district court erred when it denied Wise’s request for a special verdict form as to drug quantity.

After reviewing the record, reading the parties’ briefs and having the benefit of oral argument, we conclude that there is no merit to any of the arguments Wise presents in this appeal. Accordingly, we affirm his convictions and sentences.

AFFIRMED.