

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 12-51267  
Summary Calendar  
\_\_\_\_\_

United States Court of Appeals  
Fifth Circuit

**FILED**  
March 25, 2014  
Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BERNARDO L. LACOUR, also known as Leon Lacour, Jr., also known as  
Bernardo Leonard Lacour, also known as Bernardo Lecour, also known as John  
Doe, also known as Bernie Lacour, also known as Bernard Lacour,

Defendant-Appellant

\_\_\_\_\_  
Cons. w/No. 13-50010

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BERNARDO LACOUR,

Defendant-Appellant

\_\_\_\_\_  
Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 5:10-CR-1067-1  
USDC No. 5:10-CR-840-1  
\_\_\_\_\_

No. 12-51267 c/w No. 13-50010

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:\*

Counsel appointed to represent Bernardo L. Lacour has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), and *United States v. Flores*, 632 F.3d 229 (5th Cir. 2011). Lacour has filed a response. The record is insufficiently developed to allow consideration at this time of Lacour’s claims of ineffective assistance of counsel; such a claim generally “cannot be resolved on direct appeal when the claim has not been raised before the district court since no opportunity existed to develop the record on the merits of the allegations.” *United States v. Cantwell*, 470 F.3d 1087, 1091 (5th Cir. 2006) (internal quotation marks and citation omitted).

As to Lacour’s conviction and sentence for wire fraud in case number 12-51267, we have reviewed counsel’s brief and the relevant portions of the record reflected therein, as well as Lacour’s response. We concur with counsel’s assessment that the appeal presents no nonfrivolous issue for appellate review.

As to Lacour’s revocation of probation in case number 13-50010, Lacour has completed his 24-month sentence. No further term of probation or supervised release was imposed upon revocation. Thus, Lacour’s appeal of the revocation of probation and sentence is moot. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Accordingly, as to case number 12-51267, counsel’s motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. As to case number 13-50010,

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\* 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.

No. 12-51267 c/w No. 13-50010

counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED as moot.