

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

No. 13-60834

United States Court of Appeals
Fifth Circuit

FILED

February 25, 2015

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

AUBREY BRENT STURDIVANT,

Defendant - Appellant

Appeals from the United States District Court
for the Southern District of Mississippi
USDC No. 4:10-CR-20-1

Before HIGGINBOTHAM, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

Aubrey Brent Sturdivant was tried by a jury and convicted of conspiring in violation of 18 U.S.C. § 371 to knowingly make materially false statements on Federal Emergency Management Agency (“FEMA”) documents and to knowingly convert FEMA funds in excess of \$1,000. Sturdivant was sentenced by the district court to forty-one months of imprisonment for his conspiracy conviction. The district court also found Sturdivant guilty of contempt for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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conversing with a government witness in violation of a court order. The district court accordingly sentenced Sturdivant to an additional three-month sentence to run consecutively to his conspiracy sentence. The court further imposed a two-year term of supervised release, ordered Sturdivant to pay a \$10,000 fine, and ordered that Sturdivant pay a \$100 special assessment fee.

On appeal, Sturdivant raises six issues concerning the district court's denial of his motion for a new trial, the admission of certain evidence and testimony at his trial, and his contempt conviction. We have thoroughly reviewed the briefs in this case, the pertinent parts of the record, the applicable law, and the arguments of counsel. We conclude for essentially the same reasons outlined in the district court's order that Sturdivant was not entitled to a new trial. We have further determined that the district court did not plainly err in not granting Sturdivant an acquittal for his conspiracy charge. The district court did not abuse its discretion in admitting the evidence and testimony Sturdivant challenges on appeal. And Sturdivant's contempt conviction was supported by substantial evidence. Therefore, Sturdivant's convictions are AFFIRMED.