

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

No. 17-20700
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERIBERTO LATIGO,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CR-295-1

Before WIENER, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

Heriberto Latigo appeals his conviction and sentence on one count of stalking. *See* 18 U.S.C. § 2261A(2)(B). Following a four-day trial in which Latigo represented himself, the jury found Latigo guilty. The district court then sentenced him to 60 months in prison.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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As an initial matter, Latigo moves to supplement the record with an exhibit that was admitted at trial but does not appear in the record on appeal. The motion is GRANTED as to Defendant's Exhibit 3.

Latigo asserts that the prosecutor suborned perjury and used false evidence that Latigo was the creator or user of email and social media accounts used to harass the victim, C.D.; that the prosecution withheld exculpatory evidence; that the prosecution tampered with and bribed the victim, a Federal Bureau of Investigation agent, and an attorney retained by Latigo's former employer; that the trial judge was biased against Latigo, permitted false testimony, unconstitutionally restricted Latigo's defense, and imposed a procedurally and substantively unreasonable sentence; and that Latigo received ineffective assistance of trial counsel, although he represented himself. According to Latigo, the charges against him resulted from an international conspiracy involving a foreign corporation and government, the United States Attorney's office for the Southern District of Texas, the Federal Bureau of Investigation, and numerous private individuals, including the victim.

Latigo presents either conclusory assertions of legal error in the actions of various parties at trial without supporting legal citation, or legal propositions which he fails to apply to the facts of his case with coherent argument. *See* FED. R. APP. P. 28(a)(6) & (8); *United States v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994). Where he has appended a few record citations to his conclusional legal statements, the cited portions of the record do not support the legal claims, most often revealing instead various efforts of the trial judge to focus the defense on issues relevant to the charges. Latigo focuses on minutiae not relevant to the errors he asserts at the expense of legally relevant argument to a point that, even with the liberal construction allowed his pro se

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brief, he has waived his listed issues on appeal. *United States v. Davis*, 609 F.3d 663, 698 (5th Cir. 2010). The judgment of the district court is **AFFIRMED**.