

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2020

Lyle W. Cayce
Clerk

No. 19-11301
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

OSHEA JARON ST. JOHN,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CR-206-1

Before KING, SMITH, and WILSON, *Circuit Judges.*

PER CURIAM:*

Oshea Jaron St. John pleaded guilty to one count of conspiracy to commit access device fraud and was sentenced to 24 months of imprisonment. In his sole issue on appeal, he challenges the district court's

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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denial of a reduction to his offense level for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1. For the following reasons, we affirm.

Denial of a § 3E1.1(a) reduction for acceptance of responsibility is “reviewed with particular deference” and will not be reversed “unless it is without foundation, a standard of review more deferential than the clearly erroneous standard.” *United States v. Lord*, 915 F.3d 1009, 1017 (5th Cir.), *cert. denied*, 140 S. Ct. 320 (2019) (internal quotation marks and citation omitted). On that standard of review, we conclude that the district court did not err in denying a § 3E1.1 reduction based on its determination that St. John falsely denied or frivolously contested relevant conduct in his objections to the presentence report, which contradicted facts he had admitted under oath in connection with his guilty plea. *See Lord*, 915 F.3d at 1017, 1020; § 3E1.1 comment. (n.1(A)). We are unpersuaded by St. John’s arguments that the district court was required to ignore those objections or to construe them as consistent with his acceptance of responsibility.

AFFIRMED.