

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1919

United States of America,

Appellee,

v.

Ignacio Garcia-Morales,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: October 21, 2003

Filed: November 3, 2003

Before MORRIS SHEPPARD ARNOLD, BOWMAN, and MURPHY, Circuit
Judges.

PER CURIAM.

Ignacio Garcia-Morales was charged with illegal reentry following deportation, a violation of 8 U.S.C. § 1326. A jury found him guilty as charged and the District Court¹ sentenced him to a term of incarceration of eighteen months. Mr. Garcia-Morales appeals his conviction, seeking reversal and a new trial. We affirm.

¹The Honorable Ronald E. Longstaff, United States District Judge for the Southern District of Iowa.

The issues Mr. Garcia-Morales has raised concern the District Court's rulings that resulted in the exclusion of certain documents Mr. Garcia-Morales wished to introduce into evidence. He contends that the exclusion of these documents not only was an abuse of discretion but also violated his due-process right to a fair trial. Having carefully reviewed the case, we conclude that these contentions are meritless.

The documents in question are: (1) an I-485 form (application for adjustment of status to become a permanent resident) that Mr. Garcia-Morales did not file until some two years after his most recent illegal reentry into the United States and (2) the subsequent notice of the denial of this application. We are thoroughly satisfied that the District Court did not abuse its discretion in excluding these documents and that consequently there is not even a legal possibility of a violation of Mr. Garcia-Morales's due-process right to a fair trial on this ground. As the District Court determined, the documents were irrelevant to his illegal reentry and thus were excludable under Fed. R. Evid. 402. Moreover, their lack of probative value and the confusion that their admission would cause also rendered them inadmissible under Fed. R. Evid. 403.

The conviction is affirmed. See 8th Cir. R. 47B.
