IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
February 13, 2014
Lyle W. Cayce
Clerk

No. 12-41430
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PHILLIP EDWARD BAKER,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:11-CR-8-1

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Phillip Edward Baker was convicted following a bench trial of receipt of child pornography, access with intent to view child pornography, and possession of child pornography and sentenced to a 135-month term of imprisonment and a life-term of supervised release. *See* 18 U.S.C. § 2252A(a)(2)(B), (a)(5)(B), (b)(2). Baker challenges the district court's denial of his motion to suppress evidence seized from his residence and challenges the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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district court's admission of exhibits consisting of utility bills and bank statements found at the residence.

The district court did not err in determining that the information set forth in the affidavit supporting the application for a search warrant was not stale. *See United States v. Allen*, 625 F.3d 830, 842-43 (5th Cir. 2010); *United States v. Craig*, 861 F.2d 818, 822-23 (5th Cir. 1988). Baker has not demonstrated plain error with respect to his argument, raised for the first time on appeal, that an attachment describing the items to be searched for and seized was not attached to the search warrant, rendering the warrant constitutionally deficient. *See United States v. Scroggins*, 599 F.3d 433, 448 (5th Cir. 2010); *United States v. Rodriguez*, 602 F.3d 346, 361 (5th Cir. 2010). Finally, the district court did not abuse its discretion in overruling Baker's objection to the admission of the exhibits. *See United States v. Garcia,* 530 F.3d 348, 351 (5th Cir. 2008); *United States v. Arrington*, 618 F.2d 1119, 1126 (5th Cir. 1980).

AFFIRMED.