

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

No. 12-20660

United States Court of Appeals
Fifth Circuit

FILED

November 20, 2013

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

PATRICK ADOLPH PRENDERGAST, JR.,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-635

Before DAVIS, GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Patrick Adolph Prendergast, Jr. ("Prendergast"), appeals from his conviction for knowingly using a materially false writing to obtain disaster relief benefits, in violation of 18 U.S.C. § 1040.

Prendergast contends that the evidence of knowledge and materiality was insufficient and that the district court committed reversible error in denying his motion for mistrial based on an alleged *Brady* violation, in admitting hearsay evidence, in responding to two jury notes, in permitting a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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prejudicial variance, in allowing prosecutor statements that allegedly amounted to misconduct, and in calculating his Sentencing Guidelines range.

We have considered the parties' submissions and reviewed the record. Because we find no reversible error, we AFFIRM.