

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 05-15463  
Non-Argument Calendar  
\_\_\_\_\_

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
August 24, 2006  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 04-00005-CR-3-MCR

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LARRY DION HAMMOND,  
a.k.a. Asst Supt Ham,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Florida  
\_\_\_\_\_

**(August 24, 2006)**

Before TJOFLAT, WILSON and PRYOR, Circuit Judges.

PER CURIAM:

Larry Dion Hammond appeals his convictions on one count of conspiracy to

distribute and possess with intent to distribute cocaine and two counts of possession with intent to distribute cocaine. Hammond argues that the district court erred by refusing to grant a mistrial after government witnesses, on two separate occasions, incidentally made improper references to his criminal record. The district court gave a curative instruction after the first objection, but declined to do so after the second so as not to highlight the improper testimony. Having considered the briefs and after reviewing the record, we doubt that the improper testimony substantially influenced the jury's guilty verdicts, given the weight of the evidence. We also find no indication of prosecutorial misconduct in procuring the testimony. Furthermore, we find no abuse of the district court's discretion in refusing to grant a mistrial.

**AFFIRMED.**