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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff - Appellee,</p> <p style="text-align: center;">v.</p> <p>CAROLINE M. BELILES,</p> <p style="text-align: center;">Defendant - Appellant.</p>

No. 11-10355

D.C. No. 1:10-cr-00038-JVEM

MEMORANDUM*

Appeal from the United States District Court
for the District of Guam
Frances Tydingco-Gatewood, Chief Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Caroline Beliles appeals her jury-trial conviction for theft of government property, in violation of 18 U.S.C. § 641, for which she was sentenced to three years of probation. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Beliles's sole contention on appeal is that her trial attorney rendered ineffective assistance of counsel by failing to request a limiting instruction regarding evidence of uncharged acts that was presented at trial. Although ineffective assistance of counsel claims are generally not considered on direct appeal, the record in this case is sufficiently developed to permit consideration of this claim. *See United States v. Alferahin*, 433 F.3d 1148, 1160 n.6 (9th Cir. 2006).

Beliles's claim fails for lack of prejudice because there is no reasonable probability that the reading of a limiting instruction would have affected the jury's verdict given the strength of the government's evidence against Beliles. *See Strickland v. Washington*, 466 U.S. 668, 694-96 (1984).

AFFIRMED.