

MAY 16 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ERIC F. OELKERS,

Defendant - Appellant.

No. 12-30018

D.C. No. 3:10-cr-00185-BR-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Anna J. Brown, District Judge, Presiding

Argued and Submitted May 10, 2013
Portland, Oregon

Before: **KOZINSKI**, Chief Judge, **BERZON** and **HURWITZ**, Circuit
Judges.

In the unlikely event that the district court erred in admitting the form
indicating that the gun Oelkers was charged with possessing had the same serial
number as one purchased by his uncle, the error was harmless. Not only did

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

Oelkers never dispute at trial that his uncle owned the gun, his own theory of the case was that his girlfriend got the gun from his uncle and framed him with it.

Moreover, the uncle himself testified that the gun was his, and, as the investigating detective testified, the gun was an unusual model that she'd never seen on the street before.

AFFIRMED.