

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-4188

United States of America,

Appellee,

v.

Scott Alexander Blacketter,

Appellant.

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* Appeal from the United States

* District Court for the

* District of Minnesota

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* [UNPUBLISHED]

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Submitted: September 7, 2000

Filed: October 12, 2000

Before McMILLIAN, HEANEY, AND FAGG, Circuit Judges.

PER CURIAM.

Scott Alexander Blacketter appeals from the final judgment entered in the District Court¹ for the District of Minnesota upon remand for resentencing on his convictions for conspiracy to commit credit union robbery, in violation of 18 U.S.C. § 371, and armed credit union robbery, in violation of 18 U.S.C. § 2113(a). See United States v. Villiard, 186 F.3d 893 (8th Cir. 1999). For reversal, appellant argues the district court erred in applying a firearm enhancement, see U.S.S.G. § 2B3.1(b)(2)(C)

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota.

(if firearm was brandished, displayed, or possessed, increase by 5 levels), because the only evidence that he possessed a firearm during the robbery came from uncorroborated testimony of an accomplice. For the reasons discussed below, we affirm the judgment of the district court.

The district court did not clearly err in applying the enhancement because the accomplice's testimony--that during the robbery appellant wore a fanny pack containing a firearm--proved possession of a firearm by a preponderance of the evidence. See United States v. Villiard, 186 F.3d at 896 (citing United States v. Tucker, 169 F.3d 1115, 1119 (8th Cir. 1999) (unless it is incredible or insubstantial on its face, accomplice testimony is sufficient to support conviction, and trial court is not obliged to instruct jury to consider uncorroborated accomplice testimony with caution)); United States v. Sumner, 171 F.3d 636, 638 (8th Cir. 1999) (per curiam) (standard of review); United States v. England, 966 F.2d 403, 409-10 (8th Cir.) (to obtain conviction, government must prove guilt beyond reasonable doubt; however, under Guidelines, government need only prove possession of weapon by preponderance of evidence), cert. denied, 506 U.S. 1025 (1992).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.