

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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Nos. 99-3989/99-3990/99-3991/99-3992/99-3993

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United States of America,	*
	*
Appellee,	*
	*
v.	* Appeals from the United States
	* District Court for the
	* Northern District of Iowa.
Richard Carl Wyatt,	*
	*
Appellant.	* [UNPUBLISHED]
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Submitted: September 13, 2000

Filed: October 5, 2000

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Before BOWMAN and BEAM, Circuit Judges, and BOGUE,<sup>1</sup> District Judge.

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PER CURIAM.

Richard Carl Wyatt appeals his sentence pursuant to a guilty plea for crimes relating to bank robberies in Iowa, Nebraska, Wisconsin, and Missouri. Specifically, Wyatt argues two grounds for reversal: first, that he received ineffective assistance of

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<sup>1</sup>The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, sitting by designation.

counsel, and second, that the District Court<sup>2</sup> erred in its application of the sentencing guidelines.

Absent extraordinary circumstances, an ineffective assistance of counsel claim cannot be raised on direct appeal. See United States v. Santana, 150 F.3d 860, 863 (8th Cir. 1998). Such claims are more appropriately raised in a 28 U.S.C. § 2255 motion for post-conviction relief. See United States v. Martinez-Cruz, 186 F.3d 1102, 1105 (8th Cir. 1999). We do not find extraordinary circumstances in this case, and therefore decline to address the claim in this proceeding.

Further, we find no clear error in the District Court's application of U.S.S.G. § 3C1.1 (obstruction) and § 3E1.1 (acceptance of responsibility). Neither do we find that the District Court abused its discretion in granting the government's motion for an upward departure pursuant to U.S.S.G. § 4A1.3 (adequacy of criminal history category). See United States v. Collins, 104 F.3d 143, 144 (8th Cir. 1997) (summarizing standards of review).

Accordingly, we affirm.

A true copy.

Attest:

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

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<sup>2</sup>The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.