

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

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No. 00-2663

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United States of America,

Appellant,

v.

Arthur James Eagle Feather,

Appellee.

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Appeal from the United States  
District Court for the  
District of South Dakota.

[UNPUBLISHED]

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Submitted: January 3, 2001

Filed: January 25, 2001

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Before RICHARD S. ARNOLD, HANSEN, and BYE, Circuit Judges.

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PER CURIAM.

Arthur James Eagle Feather pleaded guilty to aggravated sexual abuse of a minor, in violation of 18 U.S.C. §§ 1153, 2241(a)(1), and 2246(2)(A). As the offense occurred prior to the effective date of the Sentencing Guidelines, the district court<sup>1</sup> imposed a non-Guidelines sentence of eighty-two years imprisonment, and directed that Eagle Feather would be eligible for parole after serving one-third of the sentence. On appeal, Eagle Feather challenges the severity of the sentence.

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<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

We are satisfied that the district court carefully exercised its discretion. The sentencing transcript shows that the court considered Eagle Feather's criminal history, proclivity for similar conduct against other children, dangerousness, and potential for recidivism. The resulting sentence does not shock the conscience. See United States v. Brenneman, 918 F.2d 745, 746 (8th Cir. 1990) (pre-Guidelines sentence within applicable statutory limits is reviewed only for manifest or gross abuse of discretion which results in sentence so severe as to shock judicial conscience).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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