

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

No. 00-2795

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Southern
v.	*	District of Iowa.
	*	
Lyle Veach,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: March 13, 2001

Filed: March 22, 2001

Before RICHARD S. ARNOLD and FAGG, Circuit Judges, and MONTGOMERY,*
District Judge.

PER CURIAM.

This case arises from a reverse sting operation. Lyle Veach agreed to purchase one pound of methamphetamine from a supplier so he could resell it. Unbeknownst to Veach, the supplier was a Government agent and the substance Veach bought was counterfeit rather than the real thing. Under a written plea agreement, Veach pleaded guilty to conspiracy to distribute over 500 grams of a substance containing

*The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota, sitting by designation.

methamphetamine. In deciding Veach's base offense level at sentencing, the district court** included the pound of counterfeit methamphetamine. The district court sentenced Veach to 135 months of imprisonment and five years of supervised release. On appeal, Veach asserts that although he believed he was buying a pound of real methamphetamine, the fake pound should not have been included in deciding his base offense level. The district court correctly included the weight of the bogus drug based on Veach's agreement to buy that amount of methamphetamine. See U.S.S.G. § 2D1.1 n.12. We thus affirm Veach's sentence.

A true copy.

Attest:

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

**The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.