

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

No. 00-4017

United States,

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Appellee,

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v.

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Appeals from the United States

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District Court for the Northern

James Edward Clay,

*

District of Iowa

*

Appellant.

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[UNPUBLISHED]

Submitted: May 15, 2001

Filed: June 19, 2001

Before BOWMAN, Circuit Judge, BOGUE,¹ and MAGNUSON,² District Judges.³

PER CURIAM.

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

²The Honorable Paul A. Magnuson, Chief Judge, United States District Court for the District of Minnesota, sitting by designation.

³Pursuant to 28 U.S.C. § 46(b), the Chief Judge certified the existence of a judicial emergency necessitating the designation of a panel consisting of fewer than two members of the Court of Appeals.

James Edward Clay appeals his convictions for the transportation of stolen vehicles, sale or receipt of stolen vehicles as well as conspiracy to commit the same. Clay argues there was insufficient evidence to convict him. Further, he asserts the trial court erred when it did not declare a mistrial after an improper question by the prosecution and commentary by the court.

This Court has scrutinized the record thoroughly and has determined that Clay's arguments are without merit. There was clearly sufficient evidence to support the verdict and the trial court properly gave a curative instruction after the improper question by government counsel. Under Eighth Circuit Rule 47B, no further commentary is necessary.

Accordingly, we affirm.

A true copy.

Attest:

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