

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2915

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District
v.	*	of South Dakota.
	*	
Howard Spoonhunter,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: February 11, 2002

Filed: February 20, 2002

Before McMILLIAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Howard Spoonhunter, an Oglala Sioux Tribe Department of Public Safety officer, was convicted of conversion after he sold his department-issued gun, police radio, vest, flashlight, and police belt to a pawn shop. In an 18 U.S.C. § 1163 conversion case like this, the defendant is convicted of a misdemeanor if the stolen items' total value is less than \$1000, or a felony if the total value is greater than \$1000. Spoonhunter contends the district court* committed clear error when it found

*The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

the items' total value was \$1250. See United States v. Hetherington, 256 F.3d 788, 796 (8th Cir.), cert. denied 122 S.Ct. 636 (2001), (standard of review). Having reviewed the parties' briefs, we conclude the trial court employed a reasonable method in determining the monetary value of the converted items in this unusual situation, see United States v. Stegora, 849 F.2d 291, 292 (8th Cir. 1988), and thus it did not commit clear error. We affirm the district court. See 8th Cir. R. 47(B).

A true copy.

Attest:

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