

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

No. 06-2560

United States of America,	*
	*
Appellee,	*
	*
v.	* Appeal from the United States
	* District Court for the
	* Western District of Missouri.
Thomas Charles Goodfellow,	*
	*
Appellant.	* [UNPUBLISHED]
	*

Submitted: April 27, 2007
Filed: May 7, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Thomas Charles Goodfellow (Goodfellow) pled guilty to bank robbery, in violation of 18 U.S.C. § 2113(a). Designating him as a career offender, see U.S.S.G. § 4B1.1, the district court¹ sentenced Goodfellow to 151 months' imprisonment and 3 years' supervised release.

Goodfellow now argues, as he did below, that the enhancement of his sentence based on previous convictions that were neither charged in the indictment, nor proved

¹The Honorable Fernando J. Gaitan, Jr., Chief Judge, United States District Court for the Western District of Missouri.

to a jury beyond a reasonable doubt, violated the Sixth Amendment. Upon our de novo review, see United States v. Buckner, 894 F.2d 975, 978 (8th Cir. 1990) (de novo review of constitutional issues), we find this argument unavailing. See Almendarez-Torres v. United States, 523 U.S. 224, 246 (1998) (holding sentence-enhancing previous convictions need not be proved to jury); see, e.g., United States v. Perry, 437 F.3d 782, 786 (8th Cir. 2006) (rejecting Sixth Amendment challenge to district court's determination defendant had two previous controlled-substance offenses); United States v. Torres-Alvarado, 416 F.3d 808, 810 (8th Cir. 2005) (stating “we are bound by Almendarez-Torres until the Supreme Court explicitly overrules it”).

We affirm the judgment of the district court.
