



Attacking his conviction, Comes Flying contends the district court improperly admitted Dr. Balaban's "two-by-four" statement. See United States v. Sparks, 949 F.2d 1023, 1026 (8th Cir. 1991) (standard of review). We reject Comes Flying's argument that Dr. Balaban, a specialist in oral and maxillofacial surgery who has treated thousands of jaw injuries, was not qualified to give the challenged testimony. The doctor's remark was rightly admitted because it helped the jury understand what kind of force it took to crush Comes Flying's girlfriend's jaw. See Fed. R. Evid. 702; United States v. Whitted, 11 F.3d 782, 785 (8th Cir. 1993) (expert opinion testimony admissible if it would help jury understand the evidence or decide a fact in issue).

Next, Comes Flying challenges the district court's decision not to depart downward from the minimum eighty-four month sentence prescribed by the Sentencing Guidelines. Because the district court was aware it could have departed, we lack authority to review the district court's decision. See United States v. Knight, 96 F.3d 307, 311 (8th Cir. 1996).

Finally, we reject Comes Flying's contention the district court abused its discretion when it sentenced Comes Flying for violating the conditions of his supervised release. See United States v. Caves, 73 F.3d 823, 824-25 (8th Cir. 1996) (per curiam). Comes Flying acknowledges the district court correctly applied the relevant policy statements from Chapter 7 of the Sentencing Guidelines. Additionally, in sentencing Comes Flying, the district court properly took into account the nature of Comes Flying's offense and the need to deter criminal conduct. See 18 U.S.C. §§ 3583(e), 3553(a)(1), (a)(2)(B) (1994). Unlike Comes Flying, we decline to assume the district court considered any sentencing factor other than those enumerated in 18 U.S.C. § 3583(e). See Caves, 73 F.3d at 825.

We affirm the judgment of the district court.

A true copy.

Attest:

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