

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 96-3845

United States of America,

Appellee,

v.

Eugene Fitzhugh,

Appellant.

*

*

*

*

*

*

*

*

*

Appeal from the United
States District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: May 5, 1997

Filed: May 7, 1997

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Eugene Fitzhugh, convicted of bribery with the intent to influence an official of a federal small business investment company, appeals a ten-month sentence imposed by the District Court.¹ He argues that the court erred in using the presentence investigation report as evidence when he challenged the facts contained therein. We disagree, because the record establishes that Fitzhugh waived his objection to the relevant facts contained in the presentence investigation report. We conclude that the District Court's estimate of the value of the bribe is not clearly

¹The Honorable Stephen M. Reasoner, Chief Judge, United States District Court for the Eastern District of Arkansas.

erroneous and that it plainly warranted a four-level enhancement. Accordingly, Fitzhugh's sentence is affirmed.

A true copy.

Attest:

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