

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-1300

United States of America,

Appellee,

v.

Gary Don Freeman,

Appellant.

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

[UNPUBLISHED]

Submitted: August 18, 1997

Filed: August 22, 1997

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Following multiple drug transactions with an undercover state police investigator, Gary Don Freeman pleaded guilty to eight counts of distributing cocaine base and one count of possessing cocaine base with intent to distribute in violation of 21 U.S.C. § 841(a)(1). The district court¹ sentenced him to 124 months imprisonment and 4 years supervised release. On appeal Freeman attacks his sentence and alleges that the government engaged in sentence manipulation because the undercover

¹The Honorable Henry Woods, United States District Judge for the Eastern District of Arkansas.

investigator, Willie Robinson, entered into repeated transactions with him and requested powder cocaine be made into crack cocaine. Robinson testified at the sentencing hearing that he made repeated purchases in an effort to reach Freeman's drug source, and except for his final purchase, he had always requested and received crack cocaine from Freeman. Robinson also testified that he succeeded in reaching Freeman's source, against whom cases were pending.

After reviewing the record, we find no merit in Freeman's challenge to his sentence. See United States v. Turner, 93 F.3d 1422, 1423 (8th Cir. 1996) (per curiam); United States v. Shephard, 4 F.3d 647, 649 (8th Cir. 1993); United States v. Calva, 979 F.2d 119, 123 (8th Cir. 1992). The judgment of the district court is affirmed.

A true copy.

Attest:

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