

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-3585

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United States of America,

Appellant,

v.

Melvin Leroy Bedell,

Appellee.

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Appeal from the United States  
District Court for the  
Western District of Missouri.

[UNPUBLISHED]

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Submitted: March 10, 1998

Filed: March 18, 1998

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Before BOWMAN, FLOYD R. GIBSON, and MORRIS SHEPPARD ARNOLD,  
Circuit Judges.

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PER CURIAM.

The government appeals a downward departure ordered by the District Court<sup>1</sup> at the sentencing of Melvin Leroy Bedell following his guilty plea to one count of embezzlement. Because the government failed to make a timely objection to either the absence of advance notice of the court's intention to depart downward on the ground the court in fact used at sentencing or the departure itself, and thus failed to give the court an opportunity to correct its errors, our review is for plain error only.

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<sup>1</sup>The Honorable Russell G. Clark, United States District Judge for the Western District of Missouri.

We agree with the government that the District Court erred and that the error was plain. We do not agree, however, that the case presents plain error of the sort that requires reversal. Applying the plain-error standard of review of United States v. Olano, 113 S. Ct. 1770 (1993), we sustain the sentence imposed by the District Court.

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

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