

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3782EA

United States of America,

Appellee,

v.

Royce Kelvin Sanders,

Appellant.

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

No. 97-3856EA

[UNPUBLISHED]

United States of America,

Appellee,

v.

Ronnie Joe Benson,

Appellant.

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Submitted: September 21, 1998
Filed: November 16, 1998

Before RICHARD S. ARNOLD, FAGG, and MORRIS SHEPPARD ARNOLD,
Circuit Judges.

PER CURIAM.

The Government tried Royce Kelvin Sanders and Ronnie Joe Benson together for their participation in a large-scale drug operation. A jury convicted Sanders and Benson of conspiracy to possess with intent to distribute cocaine and related crimes. We affirm.

Sanders contends the district court improperly denied his motion for severance. Based on our review, we find no abuse of discretion in the district court's ruling. The Government compartmentalized its evidence against each defendant and the district court gave opening and closing instructions informing the jury to decide each defendant's case "solely on the evidence that applies to him."

Next, Benson raises several contentions related to the sufficiency of the indictment and of the evidence supporting his conviction. We reject these contentions. First, the record contains substantial evidence on which the jury reasonably could have found Benson guilty of the charges. Second, the district court did not abuse its discretion in denying Benson's motion for severance. Third, Benson's assertions related to the sufficiency of the indictment and the evidence the Government presented to the grand jury and offered at trial are without legal merit. Finally, Benson also raises an argument about his sentence. We reject this argument as well. The district court's factual findings about Benson's obstruction of justice and the quantity and identity of drugs involved are not clearly erroneous. The probation officer properly based his assessments on the trial testimony and the district court correctly determined Benson's guidelines sentence. We further conclude the additional pro se arguments on appeal are either foreclosed by the holdings of this Court, otherwise without legal merit, or both.

We thus affirm Sanders's and Benson's convictions and Benson's sentence.

A true copy.

Attest:

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