



McFee, also known as Bob Baker, \*  
also known as William Michael Dixon, \*  
 \*  
Defendant-Appellant, \*  
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United States of America, \*  
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Plaintiff-Appellee, \*  
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v. \*  
 \*  
Raymond Eugene Kelsey, \*  
 \*  
Defendant-Appellant, \*

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Submitted: November 23, 1998

Filed: December 2, 1998

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Raymond Eugene Kelsey appeals the sentence imposed by the district court<sup>1</sup> after he pleaded guilty to two counts of interstate transportation of a stolen aircraft, in violation of 18 U.S.C. §§ 2312 and 2; one count of conspiring to transport a stolen aircraft in interstate and foreign commerce, in violation of 18 U.S.C. §§ 371, 553(a)(1), 2312, and 2313(a); two counts of money laundering, in violation of 18 U.S.C. § 1956; one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956;

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<sup>1</sup>The Honorable Michael J. Melloy, Chief Judge, United States District Court for the Northern District of Iowa.

one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2); and one count of aiding and abetting murder for hire, in violation of 18 U.S.C. §§ 1958 and 2.

Kelsey's presentence report indicated a Guidelines sentencing range of 360 months to life. At sentencing, the government moved for a downward departure under U.S. Sentencing Guidelines Manual § 5K1.1, p.s. (1997). Noting the severity of the offense conduct, the district court stated that the starting point was 50 years. The court then departed downward by fifty percent and sentenced Kelsey to 25 years' imprisonment and five years' supervised release, observing that anything less would be inappropriate given Kelsey's extensive criminal conduct.

On appeal, Kelsey contends that the district court erred by relying on his criminal conduct to limit the extent of the substantial-assistance departure, because the court had already considered this conduct to establish the point from which to depart, i.e., 50 years. Although Kelsey argues that he is challenging the process the district court used to depart, we conclude that he is attempting to challenge the extent of the court's downward departure, which is unreviewable. See United States v. McCarthy, 97 F.3d 1562, 1577 (8th Cir. 1996), cert. denied, 117 S. Ct. 1011, and cert. denied, 117 S. Ct. 1284 (1997); United States v. Dutcher, 8 F.3d 11, 12 (8th Cir. 1993).

The judgment is affirmed.

A true copy.

Attest:

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