

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-3398NE

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the District
v.	*	of Nebraska.
	*	
Ronald G. Frazier, Sr.,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: February 9, 1999
Filed: February 18, 1999

Before FAGG and HANSEN, Circuit Judges, and ROSENBAUM,* District Judge.

PER CURIAM.

Ronald G. Frazier, Sr. appeals his conviction for assault with a dangerous weapon with intent to do bodily harm in violation of 18 U.S.C. §§ 113(a)(3) and 1153 (1994). Frazier contends his federal conviction violates the Double Jeopardy Clause because the Winnebago Tribal Court previously convicted Frazier for assault and the same conduct forms the basis for both convictions. We decline to consider Frazier's contention, however, because Frazier failed to raise his double jeopardy claim in the district court. See United States v. Goodwin, 72 F.3d 88, 91 (8th Cir. 1995) ("Double

*The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota, sitting by designation.

jeopardy claims may not be raised for the first time on appeal”); see also United States v. Santana, 150 F.3d 860, 863-64 (8th Cir. 1998) (same). We thus affirm Frazier’s conviction. We also grant Frazier’s motion to supplement the record.

A true copy.

Attest:

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