

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 98-3847

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United States of America,	*	
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Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Arkansas.
	*	
Michael Todd Smithey,	*	[UNPUBLISHED]
	*	
Appellant.	*	

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Submitted: April 29, 1999  
Filed: May 4, 1999

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Before FAGG, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

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PER CURIAM.

Michael Todd Smithey appeals his conviction and sentence for transporting or causing to be transported in interstate commerce securities worth more than \$5,000 and taken by fraud. Smithey contends the evidence is insufficient to support the jury's verdict. Smithey also raises an argument about his sentence. We reject Smithey's contentions and conclude that an extended discussion of the issues presented by his appeal will serve no useful purpose. First, the record contains substantial evidence on which the jury reasonably could have found Smithey guilty of the charge. Second, the district court correctly determined Smithey's guidelines sentence. See United States v. Jackson, 155 F.3d 942, 948 (8th Cir.) (estimate of intended loss need only be plausible

in light of record as whole), cert. denied, 119 S. Ct. 627 (1998); United States v. Van Chase, 137 F.3d 579, 583 (8th Cir. 1998) (two-level role increase is warranted when defendant organized or directed another's participation). We thus affirm Smithey's conviction and sentence. See 8th Cir. R. 47B.

A true copy.

Attest:

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