

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

No. 98-3960

United States of America,

Appellee,

v.

Randall Kirk Bell,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: November 11, 1999

Filed: November 17, 1999

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

PER CURIAM.

In this appeal following remand, see United States v. Kime, 99 F.3d 870 (8th Cir.), cert. denied, 519 U.S. 114, and cert. denied, 520 U.S. 1220 (1997), Randall Kirk Bell challenges the district court's¹ denial of his motion for a judgment of acquittal on a charge of violating 18 U.S.C. § 924(c) (1) and (2). After careful review of the record and the parties' submissions, we conclude that the evidence would permit a

¹The Honorable R. E. Longstaff, United States District Judge for the Southern District of Iowa.

reasonable-minded jury to find Mr. Bell guilty beyond a reasonable doubt of carrying a firearm in relation to the marijuana-trafficking offense. See United States v. Barnes, 140 F.3d 737, 739 (8th Cir. 1998) (proof of any one of violations charged conjunctively in indictment is sufficient). Assuming Mr. Bell's related challenge to the gun-count jury instruction is properly before us, given that he failed to raise this issue at trial or in his first appeal, see United States v. Kress, 58 F.3d 370, 373 (8th Cir. 1995), we also reject this argument because Mr. Bell's substantial rights were not affected, see United States v. Aikens, 132 F.3d 452, 454 (8th Cir.), cert. denied, 119 S. Ct. 114 (1998). We thus affirm the district court's ruling without further discussion. See 8th Cir. R. 47B.

A true copy.

Attest:

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