

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 10, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-41197

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

AARON ALBERTO BARRIOS-QUIROZ,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 7:12-CR-22-1  
\_\_\_\_\_

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:\*

Aaron Alberto Barrios-Quiroz pleaded guilty to one count of illegal reentry and was sentenced to serve 58 months and 16 days in prison. We are now presented with his appeal of his sentence. Consistent with his arguments in the district court, he contends that his prior Texas conviction for indecency with a child does not qualify as a crime of violence (COV) for purposes of the Sentencing Guidelines and that the district court erred by treating it as such. He

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 12-41197

acknowledges that this issue has previously been decided adversely to him but raises it to preserve it for possible further review.

Under Barrios-Quiroz's view, the disputed conviction is not a COV because the Texas statute of conviction does not align with the generic, contemporary definition of sexual abuse of a minor since it sets the age of consent higher than most. This argument is unavailing. *See United States v. Rodriguez*, 711 F.3d 541, 562-63 & n.28 (5th Cir. 2013) (en banc).

AFFIRMED.