

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-4505

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ISAIAH WILSON,

Defendant - Appellant.

No. 17-4511

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENTAVIA JONES, a/k/a Kentarian Jones,

Defendant - Appellant.

No. 17-4512

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TERENCE TYREE, a/k/a T.J.,

Defendant - Appellant.

No. 17-4516

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAQUARIUS JOHNSON, a/k/a Corey,

Defendant - Appellant.

No. 17-4528

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DEMETRIUS STEPPE,

Defendant - Appellant.

Appeals from the United States District Court for the Western District of Virginia, at Charlottesville. Glen E. Conrad, Senior District Judge. (3:16-cr-00022-GEC-5; 3:16-cr-00022-GEC-2; 3:16-cr-00022-GEC-JCH-1; 3:16-cr-00022-GEC-4; 3:16-cr-00022-GEC-JCH-3)

Submitted: June 13, 2022

Decided: June 30, 2022

Before NIEMEYER, HARRIS, and HEYTENS, Circuit Judges.

Nos. 17-4505, 17-4511, 17-4512, and 17-4528, affirmed; No. 17-4516, dismissed by unpublished per curiam opinion.

ON BRIEF: Juval O. Scott, Federal Public Defender, Lisa M. Lorish, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charlottesville, Virginia; Michael T. Hemenway, Charlottesville, Virginia; Jessica Fay Phillips, Charlottesville, Virginia; David Anthony Eustis, Charlottesville, Virginia; John Edward Davidson, Charlottesville, Virginia, for Appellants. Christopher R. Kavanaugh, United States Attorney, Laura Day Taylor, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Isaiah Wilson, Kentavia Jones, Terence Tyree, Demetrius Steppe, and Jaquarius Johnson appeal their convictions for using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c). For the following reasons, we affirm the district court’s judgments as to Wilson, Jones, Tyree, and Steppe, and dismiss Johnson’s appeal.

Appellants first argue that the predicate act for the convictions of Wilson, Jones, Tyree, and Steppe—Hobbs Act robbery—is not a crime of violence under the force clause of 18 U.S.C. § 924(c). That argument is squarely foreclosed by this court’s decision in *United States v. Mathis*, 932 F.3d 242, 266 (4th Cir. 2019) (holding that Hobbs Act robbery is a crime of violence under § 924(c)(3)(A)). Although Appellants invite us to overturn this precedent, “a panel of this court cannot overrule the holding of an earlier panel.” *United States v. Spinks*, 770 F.3d 285, 289 (4th Cir. 2014). Therefore, we are bound to deny their claims.

Next, Appellants argue that the predicate act for Johnson’s conviction—carjacking—is not a crime of violence under § 924(c)(3)(A). The Government has invoked Johnson’s waiver of his appellate rights included in his plea agreement. Johnson’s appellate waiver was knowing, intelligent, and valid, and the issue he seeks to raise falls squarely within the scope of his waiver of appellate rights. Moreover, this claim is foreclosed by our decision in *United States v. Evans*, 848 F.3d 242, 247-48 (4th Cir. 2017) (holding that carjacking is a crime of violence under § 924(c)).

Accordingly, we affirm the district court's judgments as to Wilson, Jones, Tyree, and Steppe, and dismiss Johnson's appeal based on the waiver in his plea agreement. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*Nos. 17-4505, 17-4511, 17-4512,
and 17-4528, AFFIRMED;
No. 17-4516, DISMISSED*