

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4226

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOEL ADAM DICKSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt.
Theodore D. Chuang, District Judge. (8:18-cr-00054-TDC-1)

Submitted: June 22, 2022

Decided: June 29, 2022

Before QUATTLEBAUM, Circuit Judge, and KEENAN and FLOYD, Senior Circuit
Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: James Wyda, Federal Public Defender, Sapna Mirchandani, Assistant
Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Greenbelt,
Maryland, for Appellant. Robert K. Hur, United States Attorney, Elizabeth G. Wright,
Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY,
Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joel Adam Dickson pled guilty, without a plea agreement, to possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). The district court sentenced Dickson to 57 months' imprisonment, a term at the top of his advisory Sentencing Guidelines range. Dickson timely appealed, challenging his sentence. For the reasons that follow, we affirm.

Dickson argues that the district court improperly assigned him a base offense level of 20 pursuant to U.S. Sentencing Guidelines Manual § 2K2.1(a)(4)(A) (2018), based on his prior Maryland robbery conviction. We review this issue de novo. *United States v. Simmons*, 917 F.3d 312, 316 (4th Cir. 2019). Section 2K2.1(a)(4)(A) establishes a base offense level of 20 for an offense involving unlawful possession of firearms or ammunition if the defendant committed the offense after sustaining a felony conviction for a “crime of violence.” The Guidelines define a “crime of violence,” in relevant part, as any crime punishable by more than a year in prison that:

- (1) has as an element the use, attempted use, or threatened use of physical force against the person of another [“the force clause”], or
- (2) is murder, voluntary manslaughter, kidnapping, aggravated assault, a forcible sex offense, robbery, arson, [or] extortion [“the enumerated offenses clause”].

USSG § 4B1.2(a); *see* USSG § 2K2.1 cmt. n.1 (referencing definition of crime of violence in USSG § 4B1.2). Dickson contends that the district court erred in holding that Maryland robbery qualifies as a crime of violence under both the force clause and the enumerated offenses clause.

Dickson’s claim that Maryland robbery does not meet the definition of “crime of violence” under the Guidelines’ force clause is foreclosed by *United States v. Johnson*, 945 F.3d 174, 181 (4th Cir. 2019) (holding that Maryland robbery is a violent felony under the force clause of the Armed Career Criminal Act (“ACCA”), 18 U.S.C. § 924(e)(2)(B)(i)), *see United States v. Drummond*, 925 F.3d 681, 690 n.4 (4th Cir. 2019) (recognizing we rely on decisions evaluating whether offense qualifies as a violent felony under the ACCA in evaluating whether offense qualifies as crime of violence under the Guidelines), and *Dickson v. United States*, __ A.3d __, __, Misc. No. 7, 2022 WL 1210126, at *13 (Md. Apr. 25, 2022) (“[U]nder Maryland law, an individual cannot be convicted of robbery by means of threatening force against property or threatening to accuse the victim of having committed sodomy.”). We have considered Dickson’s arguments to the contrary and determine them to be without merit. In light of *Johnson* and *Dickson*, we conclude that the district court correctly applied USSG § 2K2.1(a)(4)(A).*

Accordingly, we affirm the district court’s judgment. We deny Dickson’s motion to stay the appeal and for leave to supplement the opening brief. 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.

AFFIRMED

* Because the district court properly held that Maryland robbery qualifies as a crime of violence under the force clause, we decline to consider whether Maryland robbery also qualifies as a crime of violence under the enumerated offenses clause.