

NOT RECOMMENDED FOR PUBLICATION

File Name: 22a0274n.06

No. 21-5416

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Jul 12, 2022
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
v.)
)
RICKY LEE RIDDLE,)
)
Defendant-Appellant.)
)

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
TENNESSEE

Before: KETHLEDGE, STRANCH, and NALBANDIAN, Circuit Judges.

KETHLEDGE, Circuit Judge. Ricky Lee Riddle was sentenced as a career offender based in part on a Tennessee robbery conviction. He now challenges that designation. We affirm.

In 2020, Riddle pled guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The probation office recommended that Riddle be designated a career offender under the Guidelines because he had two prior convictions for a felony “crime of violence.” One of those convictions was for robbery in Tennessee, in violation of Tenn. Code Ann. § 39-13-401. *See* U.S.S.G. §§ 2K2.1, 4B1.1. That designation would increase Riddle’s base offense level from 14 to 24. Riddle objected to the report, arguing that Tennessee robbery does not qualify as a crime of violence under the Guidelines. The district court overruled Riddle’s objection, designated him as a career offender, and sentenced him to 100 months’ imprisonment.

We review the district court’s designation of Riddle as a career offender de novo. *See United States v. Hill*, 982 F.3d 441, 443 (6th Cir. 2020). Riddle’s argument here is that his Tennessee offense was not a crime of violence as defined by U.S.S.G. § 4B1.2(a). That definition is identical to the definition of a “violent felony” under the Armed Career Criminal Act. We therefore construe the two definitions the same way. *United States v. Harris*, 853 F.3d 318, 320 (6th Cir. 2017). And we have held that Tennessee robbery is a violent felony under the elements clause of the Armed Career Criminal Act. *See United States v. Mitchell*, 743 F.3d 1054, 1059 (6th Cir. 2014); *United States v. Randy Belcher*, No. 21-5414, slip op. at 3 (6th Cir. July 12, 2022). We therefore apply that same holding here. The district court was therefore correct to designate Riddle a career offender.

The district court’s judgment is affirmed.