

United States Court of Appeals
For the Eighth Circuit

No. 17-2733

United States of America

Plaintiff - Appellee

v.

Jerrell Henderson

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: October 15, 2018

Filed: December 3, 2018

[Unpublished]

Before SMITH, Chief Judge, LOKEN and GRUENDER, Circuit Judges.

PER CURIAM.

Jerrell Henderson pleaded guilty to being a felon in possession of a firearm and was sentenced to 72 months' imprisonment. On appeal, Henderson argues that the

district court¹ procedurally erred in classifying his Minnesota conviction for first-degree aggravated robbery² as a “crime of violence.” *See* U.S.S.G. § 4B1.2(a)(1).

“The term ‘crime of violence’ means any offense under federal or state law, punishable by imprisonment for a term exceeding one year, that . . . has as an element the use, attempted use, or threatened use of physical force against the person of another” *Id.* This subparagraph is known “as the ‘force clause.’” *United States v. Schneider*, 905 F.3d 1088, 1090 (8th Cir. 2018). “Based on their nearly identical definitions, we construe ‘violent felony’ under 18 U.S.C. § 924(e)(2)(B)(ii) (the Armed Career Criminal Act) and ‘crime of violence’ under the Guidelines as interchangeable, including the corresponding force clauses and residual clauses.” *United States v. Boose*, 739 F.3d 1185, 1187 n.1 (8th Cir. 2014).

We have held that “simple robbery in Minnesota—and as a result, first degree aggravated robbery—qualifies as a predicate offense under the ACCA.” *United States v. Libby*, 880 F.3d 1011, 1015–16 (8th Cir. 2018). Therefore, it follows that first-degree aggravated robbery in Minnesota constitutes a crime of violence under the Guidelines. *See Boose*, 739 F.3d at 1187 n.1.

Accordingly, we affirm the judgment of the district court.

¹The Honorable John R. Tunheim, Chief Judge of the United States District Court for the District of Minnesota.

²Minn. Stat. § 609.245, subd. 1.