

United States Court of Appeals
For the Eighth Circuit

No. 18-2020

United States of America

Plaintiff - Appellee

v.

Eric Brown

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Ft. Dodge

Submitted: April 15, 2019

Filed: July 19, 2019

[Unpublished]

Before COLLOTON, GRUENDER, and ERICKSON, Circuit Judges.

PER CURIAM.

Eric Brown pleaded guilty to one count of possession of a firearm by a felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The district court² determined that

²The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.

Brown’s three previous Illinois convictions for robbery, armed robbery, and attempted armed robbery were crimes of violence and so applied a base offense level of 24 under United States Sentencing Guidelines § 2K2.1(a)(2). The district court then calculated Brown’s advisory guidelines range as 110 to 137 months’ imprisonment (capped at the 120-month statutory maximum), varied downward, and sentenced Brown to 96 months’ imprisonment. On appeal, Brown argues only that his Illinois convictions for robbery, armed robbery, and attempted armed robbery were not crimes of violence.

“This court reviews de novo a district court’s determination that a conviction is a crime of violence under the Guidelines.” *United States v. Rembert*, 851 F.3d 836, 840 (8th Cir. 2017). We recently held that Illinois robbery is a crime of violence under the guidelines. *United States v. Brown*, 916 F.3d 706, 708 (8th Cir. 2019) (per curiam). Illinois armed robbery includes by reference all the elements of Illinois robbery, so Illinois armed robbery “requires at least as much force as simple robbery” and also qualifies as a crime of violence. *Garcia-Hernandez v. United States*, 915 F.3d 558, 561 (8th Cir. 2019);¹ *see also* 720 ILL. Comp. Stat. 5/18-1(a) & 5/18-2(a). And if Illinois armed robbery is a crime of violence, so too is Illinois attempted armed robbery. *See* U.S.S.G. § 4B1.2(a)(1), comment. (n.1) (noting that a crime of violence includes an attempt to commit such an offense).

We affirm.

¹*Garcia-Hernandez* analyzed the relevant definition of a violent felony under the Armed Career Criminal Act, 18 U.S.C. § 924(e), and not the definition of a crime of violence under U.S.S.G. § 4B1.2(a)(1). *See Garcia-Hernandez*, 915 F.3d at 561. But these definitions “are so similar that we generally consider cases interpreting them interchangeably.” *Brown*, 916 F.3d at 708.