

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-2235

United States of America,

Appellee,

v.

Will H. Hawkins,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri

[UNPUBLISHED]

Submitted: January 4, 2001

Filed: January 10, 2001

Before McMILLIAN, BOWMAN, and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Will H. Hawkins appeals from the final judgment entered in the District Court¹ for the Western District of Missouri following his guilty plea to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). The district court sentenced appellant to 30 months imprisonment and 3 years supervised release. For reversal appellant argues the district court erred in calculating his base offense level

¹The Honorable Scott O. Wright, United States District Judge for the Western District of Missouri.

under U.S.S.G. § 2K2.1(a)(4)(A) (applicable to, inter alia, a defendant with a prior felony conviction for “a crime of violence”), because his undisputed prior conviction for second-degree burglary of a commercial building, i.e., a gun store, did not constitute “a crime of violence” as contemplated by the Guidelines.

As appellant concedes, in United States v. Hascall, 76 F.3d 902, 906 (8th Cir.), cert. denied, 519 U.S. 948 (1996), a panel of this court determined that second-degree burglaries of commercial buildings are indeed crimes of violence. We are not at liberty to overrule another panel’s decision. See United States v. Reynolds, 116 F.3d 328, 329 (8th Cir. 1997) (refusing to consider argument that Hascall was wrongly decided).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS EIGHTH CIRCUIT.