

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2271

United States of America,

Appellee,

v.

Tracy Harris, also known as "Woody,"

Appellant.

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Appeal from the United States
District Court for the
District of Minnesota.

[UNPUBLISHED]

Submitted: April 4, 2001

Filed: April 5, 2001

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Tracy Harris pleaded guilty to conspiring to distribute cocaine and crack, in violation of 21 U.S.C. § 846. At sentencing, Harris objected to his career-offender status because it was based in part on his 1982 state conviction at age 17 for shooting at an occupied motor vehicle; and although he had been certified as an adult for that charge, his 1994 presentence report on another federal drug charge had classified the 1982 conviction as a juvenile adjudication despite noting the certification. The district

court¹ overruled the objection to career-offender status and sentenced Harris to 228 months imprisonment and 5 years supervised release. On appeal, Harris argues that the district court erred in using his 1982 conviction to determine his career-offender status, because the court should be bound by its previous determination that the conviction was only a juvenile adjudication.

Having carefully reviewed the record, we conclude the district court did not err in counting Harris's 1982 conviction as a predicate felony offense. See U.S.S.G. §§ 4A1.1, comment. (n.1) and 4A1.2(d)(1); United States v. McNeil, 90 F.3d 298, 299-300 (8th Cir. 1996) (prior offense committed when defendant was 17 years old was properly considered predicate offense for determining career-offender status because defendant was charged and convicted as adult). We reject Harris's unsupported argument that the district court was bound by its previous adoption of an erroneous designation of his conviction as a juvenile adjudication. Accordingly, we affirm.

A true copy.

Attest:

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

¹The HONORABLE JAMES M. ROSENBAUM, United States District Judge for the District of Minnesota.