

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

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No. 00-3349

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United States of America,	*	
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Appellee,	*	Appeal from the United States
	*	District Court for the Western
v.	*	District of Missouri.
	*	
Ronald Lee Jennings, Jr.,	*	[UNPUBLISHED]
	*	
Appellant.	*	

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Submitted: March 27, 2001

Filed: April 3, 2001

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Before RICHARD S. ARNOLD, FAGG, and BOWMAN, Circuit Judges.

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PER CURIAM.

Ronald Lee Jennings, Jr. pleaded guilty to theft of firearms from a licensed dealer in violation of 18 U.S.C. § 924(m). In computing Jennings's criminal history category under U.S.S.G. § 4A1.1, the district court counted two earlier burglaries, one of a commercial building and one of a residence, as two earlier crimes of violence. Jennings received a 110-month sentence.

On appeal, Jennings contends burglary of a commercial building is not a crime of violence under § 4A1.1. Jennings acknowledges we held to the contrary in United

States v. Hascall, 76 F.3d 902 (8th Cir. 1996), but argues our decision in Hascall is wrong. One panel of this court may not overrule an earlier panel's decision, however. See United States v. Reynolds, 116 F.3d 328, 329 (8th Cir. 1997). Indeed, we have continued to follow our decision in Hascall. See United States v. Stevens, 149 F.3d 747, 749 (8th Cir. 1998); Reynolds, 116 F.3d at 329-30.

Jennings also contends the district court\* should have counted his two earlier burglary convictions as one crime of violence because the burglaries, which were committed during a two-day drinking binge in the same state, related to a common scheme or plan. See U.S.S.G. § 4A1.2(a)(2) & n.3. The evidence amply supports the district court's finding that the burglaries were not related. They were committed on different dates in different counties, prosecuted in different jurisdictions, and resulted in different sentences.

We thus affirm Jennings's sentence.

A true copy.

Attest:

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

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\*The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.