

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

No. 00-2672

United States of America,

Appellee,

v.

Thomas James David Steele,

Appellant.

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

[UNPUBLISHED]

Submitted: July 5, 2001

Filed: July 10, 2001

Before McMILLIAN, RICHARD S. ARNOLD, and BEAM, Circuit Judges.

PER CURIAM.

Thomas James David Steele appeals from the final judgment entered in the District Court¹ for the Western District of Missouri after he pleaded guilty to stealing firearms, in violation of 18 U.S.C. § 924(m). The district court sentenced Steele to 120 months imprisonment and three years supervised release. Counsel has moved to withdraw on appeal pursuant to Anders v. California, 386 U.S. 738 (1967), and has filed a brief arguing the district court erred in counting two prior burglaries of

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

“inhabitable structures” as crimes of violence. For the reasons discussed below, we affirm the judgment of the district court.

We find Steele’s base offense level was properly enhanced under U.S.S.G. § 2K2.1(a)(1) (base offense level is 26 if, inter alia, defendant had at least two prior felony convictions of crime of violence or controlled substance offense), as we have repeatedly held that burglaries of commercial buildings qualify as crimes of violence, see United States v. Stevens, 149 F.3d 747, 749 (8th Cir.) (adopting per se rule), cert. denied, 525 U.S. 1009 (1998); United States v. Hascall, 76 F.3d 902, 906 (8th Cir.), cert. denied, 519 U.S. 948 (1996).

After review of counsel’s Anders brief, along with our independent review of the record in accordance with Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues.

Accordingly, we grant counsel’s motion to withdraw, and we affirm.

A true copy.

Attest:

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