

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

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No. 01-2215

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United States of America,

Appellee,

v.

Robert E. Downs,

Appellant.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.

[UNPUBLISHED]

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Submitted: November 7, 2001  
Filed: November 15, 2001

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Before HANSEN, FAGG, and BEAM, Circuit Judges.

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PER CURIAM.

Robert E. Downs pleaded guilty to making a false statement when purchasing a firearm, in violation of 18 U.S.C. § 922(a)(6), and being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The district court<sup>1</sup> sentenced him to 33 months imprisonment and 2 years supervised release. Downs argues on appeal, renewing the objection he presented below, that the court erroneously set his base offense level by characterizing as a crime of violence his prior Missouri conviction for statutory rape.

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<sup>1</sup>The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

We reject this argument as foreclosed by United States v. Bauer, 990 F.2d 373, 374-75 (8th Cir. 1993) (per curiam), and United States v. Rodriguez, 979 F.2d 138, 140-41 (8th Cir. 1992).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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