

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

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No. 07-2791

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United States of America,

Appellee,

v.

Anyanso J. Agwu, also known as  
Anyanso J. Okekeagwu,

Appellant.

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United States District Court  
for the Western District  
of Missouri.

[UNPUBLISHED]

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Submitted: March 12, 2008

Filed: March 21, 2008

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Before MURPHY, ARNOLD, and BENTON, Circuit Judges.

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PER CURIAM.

Anyanso Agwu pled guilty to felon in possession of a firearm and was sentenced to 188 months in prison after being classified as an armed career criminal. He appeals, arguing that this classification was improper because his prior drug convictions should have been treated as a single criminal episode instead of three separate felonies.

The Armed Career Criminal Act provides for enhanced penalties for defendants with three prior convictions for violent felony or drug offenses which were "committed on occasions different from one another." 18 U.S.C. § 924(e). Agwu

contends that because his prior offenses were committed on three successive days, were charged in the same indictment, and resulted in concurrent sentences, they should be treated as a single prior conviction. Agwu's argument appears to be derived from the career offender provision in the federal sentencing guidelines, U.S.S.G. § 4B1.1, rather than from § 4B1.4, the guideline under which he was sentenced as an armed career offender. The critical sentencing issue under § 924(e) is whether Agwu's prior offenses were committed on different occasions. See United States v. Mason, 440 F.3d 1056, 1057-58 (8th Cir. 2006); United States v. Speakman, 330 F.3d 1080, 1082 (8th Cir. 2003); United States v. McDile, 914 F.2d 1059, 1061 (8th Cir. 1990). Since Agwu's offenses were each committed on a different day, the district court<sup>1</sup> did not err in applying U.S.S.G. § 4B1.4 in sentencing him under the Armed Career Criminal Act. The judgment is affirmed. See 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Fernando J. Gaitan, United States District Judge for the Western District of Missouri.