

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-2270

United States of America,

Appellee,

v.

Jeffrey Allen Bedwell,

Appellant.

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

[UNPUBLISHED]

Submitted: September 30, 2010

Filed: October 5, 2010

Before LOKEN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Jeffery Allen Bedwell appeals the sentence imposed by the district court¹ after he pleaded guilty to possessing unregistered explosive devices, in violation of 26 U.S.C. §§ 5861(d), 5845(f)(1), and 5871. Concluding that Bedwell's prior Missouri convictions for second degree burglary of commercial buildings were crimes of violence for purposes of the Guidelines' career offender provisions, the court determined that his advisory guidelines range was 121 to 151 months and sentenced Bedwell to the statutory maximum of 120 months in prison. His counsel has moved

¹The HONORABLE NANETTE K. LAUGHREY, United States District Judge for the Western District of Missouri.

to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that only burglary of a dwelling is a crime of violence as defined in U.S.S.G. § 4B1.2(a)(2). As counsel and the district court recognized, we have repeatedly rejected this contention. See United States v. Stymiest, 581 F.3d 759, 767-69 (8th Cir. 2009); United States v. Bell, 445 F.3d 1086, 1090-91 (8th Cir. 2006).

We have reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and find no nonfrivolous issues. The sentence imposed, which was the statutory maximum but below the applicable Guidelines range, is not unreasonable. Accordingly, we affirm the judgment of the district court. We grant counsel's motion to withdraw, subject to counsel informing appellant about the procedures for seeking rehearing from this court and filing a petition for a writ of certiorari to the Supreme Court of the United States.
