

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3255

United States of America,

Appellee,

v.

Christopher Simpson,

Appellant.

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

[UNPUBLISHED]

Submitted: June 13, 2011

Filed: June 23, 2011

Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

PER CURIAM

Christopher Simpson appeals his sentence of 180 months' imprisonment for being a felon in possession of a firearm, *see* 18 U.S.C. § 922(g)(1). The single issue that he raises is whether the district court¹ erred in enhancing his sentence under 18 U.S.C. § 924(e), the Armed Career Criminal Act (ACCA), because he had three prior convictions for violent felonies. The district court concluded that Mr. Simpson had four such convictions, and the defendant conceded below that he had two; but he maintains on appeal that his Missouri conviction for second-degree robbery did not

¹The Honorable E. Richard Webber, United States District Judge for the Eastern District of Missouri.

qualify for the enhancement because he committed that offense when he was seventeen years old. While it is true that only certain convictions for juvenile delinquency can serve as predicate offenses under the ACCA, *see* 18 U.S.C. § 924(e)(2)(B), and Mr. Simpson's robbery conviction is not one of those, he was tried and convicted as an adult for that robbery. There is thus no occasion to doubt that this offense counted under § 924(e). *See United States v. Nash*, 627 F.3d 693, 695-96 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1837 (2011).

The district court concluded, moreover, that Mr. Simpson's prior conviction for domestic battery was a violent felony under § 924(e), and Mr. Simpson does not challenge that holding on appeal. Because he has conceded that he has two other qualifying convictions in addition to the one for domestic battery, even without the contested robbery conviction Mr. Simpson's prior crimes qualify him for the ACCA enhancement.

Affirmed.
