

United States Court of Appeals  
For the Eighth Circuit

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No. 12-2424

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United States of America

*Plaintiff - Appellee*

v.

Frank Wilks

*Defendant - Appellant*

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

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Submitted: April 2, 2014

Filed: May 9, 2014

[Unpublished]

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Before LOKEN, MELLOY, and BENTON, Circuit Judges.

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PER CURIAM.

Frank Wilks appeals the sentence imposed on him after pleading guilty to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).

Counsel has moved to withdraw, filing a brief under *Anders v. California*, 386 U.S. 738 (1967). Counsel argues that the district court erred in determining that

Wilks's 1993 Missouri escape-from-custody conviction was a violent felony for section 924(e) purposes. Wilks also alleges that the court failed to explain how it applied the 18 U.S.C. § 3553(a) factors in determining the sentence and did not give adequate weight to Wilks's physical and mental health problems.

Counsel's motion to withdraw is denied. The case is remanded for further consideration in light of *United States v. Tucker*, 740 F.3d 1177 (8th Cir. 2014) (en banc).

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