

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-2162

United States of America,

Appellee,

v.

Tommy Dale Christopher,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.
[UNPUBLISHED]

Submitted: August 22, 1997

Filed: September 3, 1997

Before FAGG, BOWMAN, and MURPHY, Circuit Judges.

PER CURIAM.

Tommy Dale Christopher appeals the 75-month sentence imposed by the district court¹ after he pleaded guilty to transmitting in interstate commerce a communication containing a threat to injure, in violation of 18 U.S.C. § 875(b). We affirm.

¹The Honorable George Howard, Jr., United States District Judge for the Eastern District of Arkansas.

The sole issue on appeal is whether Christopher's 1994 California conviction for second-degree burglary of a commercial building constituted a "crime of violence" within the meaning of U.S. Sentencing Guidelines Manual § 4B1.2(1) (1995) (defining "crime of violence" to include crimes involving "conduct that presents a serious potential risk of physical injury to another"), thereby qualifying Christopher for a career-offender enhancement under U.S. Sentencing Guidelines Manual § 4B1.1 (1995). As Christopher concedes, in United States v. Hascall, 76 F.3d 902, 904-05 (8th Cir.), cert. denied, 117 S. Ct. 358 (1996), we determined that second-degree burglaries of commercial buildings involve conduct that presents a serious potential risk of physical injury to another.

Accordingly, we affirm.

A true copy.

Attest:

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