

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2609

United States of America,

Appellee,

v.

Kurtis Ray Easter,

Appellant.

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[UNPUBLISHED]

Submitted: March 7, 2005
Filed: March 11, 2005

Before WOLLMAN, MURPHY, and BENTON, Circuit Judges.

PER CURIAM.

Kurtis Ray Easter appeals the sentence that the district court¹ imposed after he pleaded guilty to mailing a threatening communication, in violation of 18 U.S.C. § 876(c). Easter argues that the court plainly erred by making factual findings that increased his punishment under U.S.S.G. §§ 3A1.2(a)(1)(A) (official victim) and 4B1.1 (career offender).

¹The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

Assuming arguendo that we should review for plain error under United States v. Booker, 125 S. Ct. 738 (2005), we conclude that any error in making the section 3A1.2(a)(1)(A) finding did not affect Easter's substantial rights. Even without that enhancement, the same total offense level and criminal history category would have resulted from Easter's classification as a career offender, which was based on the district court's finding that Easter had two prior felony convictions for crimes of violence, see id. at 756 (reaffirming that fact of prior conviction need not be established by guilty plea or jury verdict).

The judgment is affirmed.
