

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1338

United States of America,

Appellee,

v.

Rusty Eugene McCoy,

Appellant.

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

[UNPUBLISHED]

Submitted: February 5, 2007
Filed: February 5, 2007

Before RILEY, MAGILL, and MELLOY, Circuit Judges.

PER CURIAM.

Rusty McCoy pleaded guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). Finding that McCoy was an armed career criminal, the district court¹ sentenced him to the statutory minimum of 15 years in prison. See 18 U.S.C. § 924(e)(1); U.S.S.G. § 4B1.4. On appeal, McCoy challenges one of the predicate offenses underlying his armed-career-criminal status, arguing that aiding and abetting felony theft of a vehicle in violation of Kansas law should not automatically be deemed a “violent felony.” See 18 U.S.C.

¹The Honorable Richard E. Dorr, United States District Judge for the Western District of Missouri.

§ 924(e)(2)(B)(ii) (defining “violent felony” as a crime that is punishable by more than one year in prison and “otherwise involves conduct that presents a serious potential risk of physical injury to another”). Reviewing de novo, see United States v. Mincks, 409 F.3d 898, 900 (8th Cir. 2005), cert. denied, 126 S. Ct. 1345 (2006), we conclude that McCoy’s challenge is unavailing. See United States v. Barbour, 395 F.3d 826, 827-28 (8th Cir.) (under controlling precedent, Kansas vehicle theft is violent felony within meaning of § 924(e)), cert. denied, 126 S. Ct. 133 (2005). Accordingly, we affirm.
