

United States Court of Appeals
For the Eighth Circuit

No. 21-1236

United States of America

Plaintiff - Appellee

v.

Curlie Marque Quarterman

Defendant - Appellant

No. 21-1237

United States of America

Plaintiff - Appellee

v.

Curlie Marque Quarterman

Defendant - Appellant

Appeals from United States District Court
for the Southern District of Iowa - Eastern

Submitted: September 20, 2021
Filed: September 23, 2021
[Unpublished]

Before ERICKSON, GRASZ, and STRAS, Circuit Judges.

PER CURIAM.

Curlie Quarterman pleaded guilty to being a felon in possession of a firearm and Hobbs Act robbery. *See* 18 U.S.C. §§ 922(g)(1), 1951(a). The district court¹ consolidated the cases and gave him a 228-month sentence. In an *Anders* brief, Quarterman’s counsel argues that two prior felonies should have been treated as one under the Armed Career Criminal Act because they were not committed on “occasions different from one another.” 18 U.S.C. § 924(e).

We conclude that the district court did not plainly err in concluding otherwise. *See United States v. Boman*, 873 F.3d 1035, 1040 (8th Cir. 2017) (reviewing an ACCA determination for plain error in the absence of an on-point objection); *see also United States v. Humphrey*, 759 F.3d 909, 911 (8th Cir. 2014) (explaining when felonies are committed on different occasions). Nor, under circuit precedent, did the issue need to be decided by a jury. *See United States v. Harris*, 794 F.3d 885, 887 (8th Cir. 2015) (stating that whether prior offenses were committed on different occasions is a recidivism-related fact that is for the district court to determine).

Finally, we have independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75, 82–83 (1988). We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.