

United States Court of Appeals  
For the Eighth Circuit

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No. 21-2531

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United States of America

*Plaintiff - Appellee*

v.

Kwane Demarchel Wheat

*Defendant - Appellant*

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Appeal from United States District Court  
for the Northern District of Iowa - Central

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Submitted: March 7, 2022

Filed: March 10, 2022

[Unpublished]

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Before LOKEN, BENTON, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Kwane Wheat appeals the sentence the district court<sup>1</sup> imposed after he pleaded guilty to firearm offenses. On appeal, Wheat argues that the district court erred in determining that one of his prior convictions constituted a crime of violence.

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<sup>1</sup>The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.

Upon careful review, we find that the district court did not err in finding that Wheat’s conviction under Iowa Code § 708.2(1) was a crime of violence. See United States v. Craig, 630 F.3d 717, 723 (8th Cir. 2011) (district court’s finding that a prior conviction constitutes a crime of violence under the Sentencing Guidelines is reviewed de novo); see also United States v. Quigley, 943 F.3d 390, 395 (8th Cir. 2019) (conviction under § 708.2(1) qualifies as a crime of violence under the Guidelines; mere speculation that § 702.2(1) could be applied to conduct not involving physical force does not take the offense outside the scope of the force clause; “we can think of no non-fanciful, non-theoretical manner in which to commit such crime without at least threatening use of physical force”).

Accordingly, we affirm.

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