

United States Court of Appeals
For the Eighth Circuit

No. 24-2445

United States of America

Plaintiff - Appellee

v.

Merwin Smith

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 20, 2025

Filed: January 23, 2026

[Unpublished]

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

During a traffic stop, officers searched Merwin Smith and found a loaded pistol strapped between his shoulder blades. He was arrested and charged with being a felon in possession of a firearm, 18 U.S.C. § 922(g)(1). A jury found him guilty.

Smith argues that the district court¹ abused its discretion under Federal Rule of Evidence 404(b) by admitting evidence of his prior felon-in-possession convictions. But even if the district court should not have admitted the evidence, the error was harmless. United States v. Crenshaw, 359 F.3d 977, 1003–04 (8th Cir. 2004) (reviewing for harmless error). Three different witnesses testified that Smith had a pistol strapped to his back. “[W]e will not reverse for improperly admitted [evidence] when, as here, the record contains ‘overwhelming evidence’ supporting the conviction.” United States v. Finley, 56 F.4th 1159, 1167 (8th Cir. 2023) (citation omitted).

Smith’s argument that his prosecution under § 922(g)(1) violated the Second Amendment is foreclosed by United States v. Jackson, 110 F.4th 1120, 1125 (8th Cir. 2024).

Affirmed.

¹The Honorable Sarah E. Pitlyk, United States District Judge for the Eastern District of Missouri.