

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 07-2408

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| United States of America, | * |                                |
|                           | * |                                |
| Plaintiff - Appellee,     | * |                                |
|                           | * | Appeal from the United States  |
| v.                        | * | District Court for the Western |
|                           | * | District of Missouri.          |
| Glenn H. Harlow,          | * |                                |
|                           | * | [UNPUBLISHED]                  |
| Defendant - Appellant.    | * |                                |

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Submitted: September 22, 2009

Filed: September 25, 2009

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Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Glenn H. Harlow pleaded guilty to possessing a semi-automatic handgun and ammunition, having previously been convicted of three violent felonies, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1), (e)(2)(B). Additionally, Harlow pleaded guilty to failing to appear at a March 13, 2006 sentencing hearing, in violation of 18 U.S.C. § 3146. At sentencing, Harlow admitted one of his predicate felonies under the Armed Career Criminal Act (ACCA) 18 U.S.C. § 924(e), was possession of a short-barreled rifle in violation of Mo. Rev. Stat. § 571.020.1(5). The district court<sup>1</sup>

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<sup>1</sup>The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

applied ACCA and imposed a 188-month sentence. On appeal, Harlow argues the district court erred in concluding his conviction for possession of a short-barreled rifle was a violent felony. We affirm.

As a preliminary matter, Harlow's objection at sentencing to the application of ACCA was based on an amendment to Application Note 3 of U.S. Sentencing Guidelines § 4B1.1, and not the district court's conclusion his conviction for possession of a short-barreled rifle was a violent felony. Accordingly, we review Harlow's arguments on appeal for plain error. See United States v. Pirani, 406 F.3d 543, 549 (8th Cir. 2005) (en banc).

Our court recently held possession of a sawed-off shotgun qualifies as a violent felony under ACCA. United States v. Vincent, No. 07-1397, 2009 WL 2476670, at \*6 (8th Cir. Aug. 14, 2009). Accordingly, the district court did not err in concluding possession of a short-barreled rifle is an ACCA-qualifying felony. The judgment of the district court is affirmed.

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