

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-1708
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT STEVEN BROWN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CR-048-A
- - - - -

March 19, 1993

Before KING, DAVIS, and SMITH, Circuit Judges.

PER CURIAM:*

Brown argues that the district court incorrectly determined that he was subject to the armed career criminal enhancement provision of 18 U.S.C. § 924(e)(1). He contends that although he committed four burglaries, he only had two convictions for enhancement purposes. All of Brown's arguments are foreclosed by existing Fifth Circuit precedent.

A person who violates 18 U.S.C. § 922(g) and has three previous convictions for a violent felony or serious drug

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

offense, committed on occasions different from one another shall be imprisoned not less than 15 years. See 18 U.S.C. § 924(e)(1). A defendant who is subject to an enhanced sentence under 18 U.S.C. § 924(e) is an armed career criminal under U.S.S.G. § 4B1.4(a). Whether a district court correctly applied the enhancement provision of 18 U.S.C. § 924(e)(1) pursuant to U.S.S.G. §4B1.4(a) is reviewed de novo by this Court. United States v. Garcia, 962 F.2d 479, 481 (5th Cir.), cert. denied, 113 S.Ct. 293 (1992).

Multiple convictions arising from separate criminal transactions should be treated as separate convictions, regardless of the number of judicial proceedings involved. United States v. Herbert, 860 F.2d 620, 622 (5th Cir. 1988), cert. denied, 490 U.S. 1070 (1989); see also United States v. Washington, 898 F.2d 439, 441-42 (5th Cir.), cert. denied, 111 S.Ct. 122 (1990). In so far as Brown suggests that his convictions were related or consolidated for trial under U.S.S.G. § 4A1.2, whether cases are considered "related" under § 4A1.2 is irrelevant in determining whether three violent felonies were committed on different occasions under § 924(e) and § 4B1.4. See United States v. Medina-Gutierrez, 980 F.2d 980, 983 (5th Cir. 1992). Brown's conviction and sentence are AFFIRMED.