

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-3036

September Term, 2017

FILED ON: JUNE 22, 2018

UNITED STATES OF AMERICA,
APPELLEE

v.

CORNELL W. BARBER,
APPELLANT

Appeal from the United States District Court
for the District of Columbia
(No. 1:14-cr-00239-1)

Before: GARLAND, *Chief Judge*, and KAVANAUGH and SRINIVASAN, *Circuit Judges*.

J U D G M E N T

This case was considered on the record from the United States District Court for the District of Columbia, and on the briefs and oral arguments of the parties. The Court has afforded the issues full consideration and has determined they do not warrant a published opinion. *See* FED. R. APP. P. 36; D.C. CIR. R. 36(d). It is

ORDERED and ADJUDGED that the judgment of the district court be affirmed.

Cornell Barber appeals his conviction, pursuant to a plea agreement, for D.C. Unlawful Possession of a Firearm, D.C. Code § 22-4503(a)(1). He argues the plea agreement should be rescinded because it was based on a mutual mistake of material fact and also that the district court abused its discretion in accepting the plea because that acceptance was premised on a clearly erroneous understanding of facts. Finally, he argues that, for related reasons, his counsel was constitutionally ineffective.

As counsel acknowledged at oral argument, all of Barber’s claims rise or fall on a single legal claim: that a conviction for D.C. Assault with a Dangerous Weapon (ADW), D.C. Code § 22-402, is not a “violent felony” under the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(2)(B). But for the reasons given in our opinion in *United States*

v. Haight, No. 16-3123 (June 22, 2018), D.C. ADW is a “violent felony.” We therefore reject the claimed grounds for relief and affirm the judgment of the district court.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. R. 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk