

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Robert Wilburn

No. 25-1234 (8th Cir. Apr. 3, 2026) · No. 25-1234 · Decided April 3, 2026

SUMMARY

The United States Court of Appeals for the Eighth Circuit affirmed Robert Wilburn’s conviction for unlawful possession of a firearm and ammunition as a felon under 18 U.S.C. § 922(g)(1). The court held that the district court did not abuse its discretion by admitting evidence of Wilburn’s prior firearm-possession conviction and his parole release date under the rules governing relevance, prior acts, and unfair prejudice. The court also concluded that the evidence was sufficient to support the jury’s finding that Wilburn knowingly possessed the firearm and ammunition.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	COLLTON, Chief Judge; SHEPHERD, Circuit Judge; ERICKSON, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	April 3, 2026
DOCKET	25-1234
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wilburn appealed his jury conviction and 100-month sentence for unlawful possession of a firearm and ammunition as a felon, challenging the admission of evidence and the sufficiency of the evidence.
STANDARD OF REVIEW	Evidentiary rulings under Federal Rule of Evidence 404(b) and rulings admitting parole-release evidence are reviewed for abuse of discretion. Sufficiency of the evidence is reviewed de novo, viewing the evidence in the light most favorable to the verdict and accepting all reasonable inferences supporting it.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Robert Wilburn v. United States of America

TOPICS

evidence

relevance

appellate procedure

standard of review

criminal procedure

PRACTICE AREAS

criminal law

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by admitting Wilburn's prior conviction for unlawful possession of a firearm by a felon under Federal Rule of Evidence 404(b) to prove knowledge and intent.
2. Whether the district court abused its discretion by admitting evidence that Wilburn was released on parole the day before the firearm was purchased.
3. Whether sufficient evidence supported Wilburn's conviction for knowingly possessing the firearm and ammunition as a felon.

HOLDINGS

1. The district court did not abuse its discretion by admitting evidence of Wilburn's prior conviction for unlawful possession of a firearm by a felon to prove his knowledge and intent to possess the firearm and ammunition.
2. The district court did not abuse its discretion by admitting testimony that Wilburn was released on parole the day before Swift purchased the firearm.
3. The evidence was sufficient to support Wilburn's conviction for knowingly possessing the firearm and ammunition as a felon.

KEY QUOTATIONS

“Of course, this court’s decisions finding no abuse of discretion by prior district courts do not mandate that a district court admit evidence of a prior conviction in every case; the evidence is still subject to case-by-case evaluation that balances probative value and prejudice under Rule 403.” (at 3)

“Rather, the evidence supports an inference that “either the defendant is remarkably unlucky or he is the cause of the events.”” (at 4)

FACTUAL BACKGROUND

A sheriff's deputy responding to a hazardous-driving report found Wilburn asleep in the driver's seat of a partially parked Chevrolet Camaro with an open beer can nearby. After rousing Wilburn, the deputy smelled alcohol and marijuana, detained him, and searched the vehicle, finding a loaded handgun in plain view next to the center console, ammunition in the console, and an extra magazine in the glove compartment. The vehicle belonged to Samira Swift, who had purchased the firearm shortly before Wilburn's release from restrictive home confinement and intensive supervision; Wilburn had a prior conviction for unlawful firearm possession by a felon.

PROCEDURAL HISTORY

A grand jury charged Wilburn with unlawful possession of a firearm and ammunition as a felon. The district court admitted evidence of Wilburn's prior firearm-possession conviction under Federal Rule of Evidence 404(b), admitted evidence concerning his release on parole, and sentenced him to 100 months' imprisonment after a jury found him guilty. The Eighth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Gaddy, 532 F.3d 783, 789 (8th Cir. 2008)
- United States v. Monds, 945 F.3d 1049, 1052 (8th Cir. 2019)
- United States v. Harrison, 70 F.4th 1094, 1097-98 (8th Cir. 2023), cert. denied, 144 S. Ct. 869 (2024)
- United States v. Halk, 634 F.3d 482, 487 (8th Cir. 2011)
- United States v. Walker, 470 F.3d 1271, 1274 (8th Cir. 2006)
- United States v. Strong, 415 F.3d 902, 905 (8th Cir. 2005)
- United States v. Trogdon, 575 F.3d 762, 766 (8th Cir. 2009)
- United States v. Moran, 503 F.3d 1135, 1145 (10th Cir. 2007)
- United States v. Queen, 132 F.3d 991, 996 (4th Cir. 1997)
- United States v. Beechum, 582 F.2d 898, 913 (5th Cir. 1978) (en banc)
- United States v. Griffith, 786 F.3d 1098, 1102 (8th Cir. 2015)