

COUNSEL

Ronald C. Rachow, Assistant United States Attorney, Reno, Nevada, for the plaintiff-appellee.

Michael K. Powell, Esq., Office of the Federal Public Defender, Reno, Nevada, for the defendant-appellant.

OPINION

WARDLAW, Circuit Judge:

Roberto Echavarria-Escobar ("Echavarria") appeals his
~~Entry of Judgment for Plaintiff~~ judgment for the defendant-appellant.

was placed on probation not to exceed 36 months. Because

Government ha[d] met its burden with respect to the conviction for purposes of sentencing" and also that "[t]he certified copy of the conviction that . . . was supplied . . . establishe[d] its validity for purposes of sentencing." The district court overruled Echavarría's Apprendi objection, finding that "Apprendi did not apply to the facts of this case."

Beginning with a base offense level 8 as recommended in

part.' " (citation omitted), cert. denied, 121 S.Ct. 757 (2001);
U.S. v. Tejada-Perez

ny" was intended to be more limited for purposes of the

2000) ("Apprendi . . . preserved the specific holding of Almendarez Torres" because Apprendi specifically excluded "fact[s] of prior conviction" from its holding), cert. denied, 121 S.Ct. 1503 (2001); see also United States v. Fresn.2 001);rd4 29266 162 705.8 0.6 re f ET 5695.4 Tc8T

237 (1997) (directing appellate courts to " `leav[e] to this Court the prerogative of overruling its own decisions' " (citation omitted)).

We hold, therefore, that the district court's enhancement