

**UNPUBLISHED ORDER**  
Not to be cited per Circuit Rule 53

# United States Court of Appeals

**For the Seventh Circuit  
Chicago, Illinois 60604**

October 12, 2005

## **Before**

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. KENNETH F. RIPPLE, *Circuit Judge*

No. 04-1684

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

TERRANCE McCARTER,  
*Defendant-Appellant.*

Appeal from the United States  
District Court for the Northern  
District of Illinois, Eastern Division

No. 03 CR 835

Elaine E. Bucklo,  
*Judge.*

## **O R D E R**

We ordered a limited remand to ask whether the district judge, had she known the sentencing guidelines were advisory, would have imposed the same sentence on Terrance McCarter. *See United States v. Booker*, 125 S. Ct. 738 (2005); *United States v. Paladino*, 401 F.3d 471, 484 (7th Cir. 2005). She answered that she would.

We invited the parties to respond, but only McCarter did. Here, the sentencing range was properly calculated under the guidelines, so the sentence was presumptively reasonable. *See United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). McCarter, however, points to nothing to rebut that presumption except

a comment by the judge at sentencing that the punishment was “particularly harsh” in light of his recent attempts to turn over a new leaf. But the judge also explained that the crime, which involved forcing a woman into a car at gunpoint and pointing the gun at someone else, was serious enough to warrant the sentence she gave. The sentence is reasonable, and the judgment is AFFIRMED.