

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

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

November 18, 2005

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 04-1951

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

RANDY VELLEFF,
Defendant-Appellant.

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

No. 02 CR 398-1

Joan H. Lefkow,
Judge.

ORDER

Randy Velleff was sentenced to 430 months' imprisonment for robbery, 18 U.S.C. § 1951, and gun and drug crimes, *id.* § 924(c)(1)(A); 21 U.S.C. §§ 841(a)(1), 846. On appeal he argued that the district court erred by sentencing him under the mandatory sentencing guidelines, *see United States v. Booker*, 125 S. Ct. 738 (2005), so we ordered a limited remand to ask if the court would have given him the same sentence had it known the guidelines were advisory, *United States v. Paladino*, 401 F.3d 471, 484 (7th Cir. 2005). The court answered that it would have given him a lighter sentence. Consequently, the government concedes that Velleff's sentence must be vacated. We agree.

VACATED and REMANDED.