

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued April 1, 2005
Decided February 21, 2006

Before

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

No. 03-3031

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

REGINALD K. TOWNSEND,

Defendant-Appellant.

] Appeal from the United
] States District Court for
] the Northern District of
] Indiana, South Bend Division
]
] No. 02 CR 18
]
]
] **Robert L. Miller, Jr.,**
] *Chief Judge.*

ORDER

This case is on appeal from a limited remand from our court pursuant to *United States v. Paladino*, 401 F.3d 471, 483-84 (7th Cir. 2005). The district court has now determined that it would impose the same sentence if we were to vacate the judgment and remand for re-sentencing even in light of the advisory nature of the Guidelines. We must therefore determine whether the sentence is reasonable. If it is, then any Sixth Amendment violation in the sentencing process did not affect

his substantial rights and thus did not constitute plain error.

The parties have had the opportunity to file arguments concerning the appropriate disposition of the appeal in light of the district court's decision, but only the government has availed itself of that opportunity. Townsend's sentence is within the Guideline range, and therefore we must presume that the sentence of 300 months on count 1 for aggravated bank robbery, followed by 84 months on count 2 for brandishing a firearm during a crime of violence, is reasonable. *United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). A defendant may rebut that presumption by demonstrating that his sentence is unreasonable in light of the factors identified in 18 U.S.C. § 3553(a).

The district court's order reveals that the court considered the 18 U.S.C. § 3553(a) factors, and that it properly applied those factors in determining that it would give the same sentence. There are no apparent errors in the court's consideration of those factors, nor does Townsend raise any argument to this court that the sentence is unreasonable. Accordingly, we affirm Townsend's sentence.