

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with
Fed. R. App. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

February 13, 2007

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

UNITED STATES OF AMERICA,	]	Appeals from the United
<i>Plaintiff-Appellee,</i>	]	States District Court for
	]	the Northern District of
Nos. 03-1320, 03-2967, 04-1307	]	Illinois, Eastern Division.
and 04-2045	]	
v.	]	No. 99 CR 397
	]	
FRANCISCO TORRES, DARREN STEELE,	]	Wayne R. Andersen, <i>Judge</i> .
RICARDO VILLA and TERRELL AGEE,	]	
<i>Defendants-Appellants.</i>	]	

Francisco Torres, Darren Steele, Ricardo Villa, and Terrell Agee appealed their sentences imposed for their involvement in drug trafficking. Torres and Villa were sentenced to 360 months' imprisonment, Steele to 324 months' imprisonment and Agee to 292 months' imprisonment. On appeal, they all argued that the district court erred by sentencing them under the mandatory sentencing guidelines, *see United States v. Booker*, 543 U.S. 220 (7th Cir. 2005). After rejecting additional sentencing arguments raised by Agee, we ordered a limited remand under the terms set forth in *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005), for a determination whether the district court would have imposed the same sentence had it understood that the guidelines were advisory.

The district judge has replied that he likely would have imposed different sentences for all four defendants if the sentencing guidelines had been advisory when the defendants were sentenced. The government and counsel for Torres, Steele, and Villa have responded and agree that the cases should be remanded for resentencing. Accordingly,

IT IS ORDERED that the sentences of Francisco Torres, Darren Steele, Ricardo Villa, and Terrell Agee are **VACATED**, and the cases are **REMANDED** to the district court for resentencing.