

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

January 28, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

Nos. 24-1910 & 24-2310

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TONYA ROBINSON AND ALBERT SMITH,
Defendants-Appellants.

Appeals from the United States District
Court for the Northern District of
Indiana, South Bend Division.

No. 3:21-cr-00064-JD-MGG

Jon E. DeGuilio,
Judge.

ORDER

Tonya Robinson and Albert Smith filed a petition for panel rehearing as to the opinion issued on December 15, 2025. They requested that the panel amend its remand instructions to clarify that the district court should enter a judgment of acquittal on their bank fraud convictions and enter an amended judgment.

The petition is granted. We added the following language on page 9: "For these reasons, we reverse Robinson and Smith's bank fraud convictions and direct the district court to enter a judgment of acquittal and to amend its judgment consistent with this

opinion." And we clarified on page 15 that the limited remand applied only "on this particular issue," referring to Robinson's restitution. Finally, we summarized our instructions to the district court at the end of the opinion: "For these reasons, we REVERSE the bank fraud convictions on Counts 2-7 and direct the district court to enter a judgment of acquittal on these counts and to amend its judgment consistent with this opinion; we AFFIRM the wire fraud convictions on Count 8; we AFFFIRM the district court's use of the abuse-of-trust enhancement when sentencing Smith; and we REMAND to allow the district court to clarify the joint and several nature of Robinson's restitution."