

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 03-3032**

**September Term, 2004**

**02cr00216-01**

**Filed On: March 2, 2005** [881181]

United States of America,  
Appellee

v.

Romone L. Gabriel,  
Appellant

**BEFORE:** Edwards and Henderson, Circuit Judges, and Williams, Senior  
Circuit Judge

## **J U D G M E N T**

Upon consideration of the joint motion for remand and to expedite return of the  
mandate, it is

**ORDERED** that the motion be granted. It is

**FURTHER ORDERED**, on the court's own motion, that the court's judgment filed  
April 16, 2004, be vacated. It is

**FURTHER ORDERED and ADJUDGED** that the judgment of the district court  
appealed from in this cause be affirmed in part and the case remanded for further  
proceedings in accordance with this court's opinion issued April 16, 2004, and the  
Supreme Court's opinion in United States v. Booker, 125 S. Ct. 738 (2005).

The Clerk is directed to issue the mandate forthwith.

## **Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY:  
Michael C. McGrail  
Deputy Clerk