

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20155

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JESSE JUD CARTER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(H:00-519-ALL)

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August 12, 2002

Before WIENER, EMILIO M. GARZA, and PARKER, Circuit Judges:

PER CURIAM:\*

After Carter lodged his appeal in this case, we granted his motion to supplement the record with additional documentary evidence concerning prior crimes on the basis of which his sentence was enhanced. That evidence had never been presented to the sentencing court.

Carter and the government have now jointly moved, in open court, that we vacate the sentence imposed by the district court and remand the case for resentencing by the court with the benefit of the additional information in the subsequently admitted

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

evidence, which bears on the question whether the two prior convictions were related for purposes of the United States Sentencing Guidelines. We grant that joint motion, vacate Carter's sentence, and remand for resentencing in light of the information revealed in the subsequently admitted documents, and all other relevant evidence.

SENTENCE VACATED; REMANDED FOR RESENTENCING.