

NONPRECEDENTIAL DISPOSITION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

Submitted April 3, 2009
Decided August 14, 2009

Before

KENNETH F. RIPPLE, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 07-2134

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LAWRENCE W. BENSON,
Defendant-Appellant.

On Remand from the Supreme Court of
the United States

No. 06-CR-8

Lynn Adelman,
Judge.

O R D E R

The district court sentenced Lawrence Benson under the Armed Career Criminal Act, 18 U.S.C. § 924(e); one of the three crimes that predicated the enhancement was a 1984 juvenile adjudication for injury by negligent use of a dangerous weapon. On remand from the Supreme Court, the government concedes that, under *Begay v. United States*, 128 S. Ct. 1581 (2008), and *United States v. Smith*, 544 F.3d 781, 786 (7th Cir. 2008), a crime requiring the mental state of negligence is not a “violent felony” under the Act. Our independent analysis confirms this assessment. We therefore **VACATE** the sentence and **REMAND** for further proceedings in light of *Begay*.