

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 19-4173**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PREANTE MONTRELL WHITFIELD,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:17-cr-00076-D-1)

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Submitted: June 27, 2022

Decided: July 7, 2022

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Before NIEMEYER, KING, and QUATTLEBAUM, Circuit Judges.

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Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

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**ON BRIEF:** Roderick G. Davis, LAW OFFICE OF RODERICK G. DAVIS, PLLC, Charlotte, North Carolina, for Appellant. G. Norman Acker, III, Acting United States Attorney, Jennifer P. May-Parker, Joshua L. Rogers, Assistant United States Attorneys, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Preante Montrell Whitfield appeals his conviction for brandishing a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii), and his five-year term of supervised release. As explained below, we affirm the § 924(c) conviction but vacate the sentence.

First, Whitfield contends that the district court should have dismissed his § 924(c) charge because the alleged predicate offense—Hobbs Act robbery, 18 U.S.C. § 1951(a)—does not categorically qualify as a crime of violence. However, as Whitfield acknowledges, this court has firmly established that Hobbs Act robbery is a valid § 924(c) predicate. *United States v. Mathis*, 932 F.3d 242, 266 (4th Cir. 2019). Thus, we affirm Whitfield’s § 924(c) conviction.

Next, Whitfield argues—and the Government agrees—that the district court neglected to pronounce all discretionary terms of supervised release at the sentencing hearing. *See United States v. Singletary*, 984 F.3d 341, 345 (4th Cir. 2021) (“[I]n order to sentence a defendant to a non-mandatory condition of supervised release, the sentencing court must include that condition in its oral pronouncement of a defendant’s sentence in open court.”). Critically, the failure to pronounce a discretionary supervision condition requires vacatur of the entire sentence. *Id.* at 346; *see United States v. Hardin*, 998 F.3d 582, 593 n.14 (4th Cir. 2021), *cert. denied*, 142 S. Ct. 779 (2022). Accordingly, we vacate Whitfield’s sentence and remand for resentencing.

Finally, the Government asks that we resolve a lingering Sentencing Guidelines issue that Whitfield raises on appeal. In light of our decision to vacate Whitfield’s

sentence, we decline to reach this issue now. Our decision not to do so, however, should not be construed as an indication, one way or the other, as to our view on the merits of that Guidelines issue.

Accordingly, we affirm Whitfield's § 924(c) conviction, vacate Whitfield's sentence, and remand for resentencing. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED IN PART,  
VACATED IN PART,  
AND REMANDED*