

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 5, 2013

Lyle W. Cayce
Clerk

No. 12-30413

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RAMON TERRELL DANIELS; JECARLOS MONTRAE CARTER; TENISHA
DESHEA CARTER; ANTONIO DEMETRIOUS FURLOW; GRANSIHI DEON
MIMS, also known as Granshi; AUBURN THOMAS, also known as Big,

Defendants-Appellants

Appeals from the United States District Court
for the Western District of Louisiana

ON PETITION FOR REHEARING

Before KING, DAVIS, and ELROD, Circuit Judges.

W. EUGENE DAVIS, Circuit Judge:

In this Petition for Panel Rehearing, Defendants JeCarlos Montrae Carter, Tenisha Deshea Carter, Antonio Demetrious Furlow, Granshi Deon Mims, and Auburn Thomas argue that the sentences on their substantive counts should be vacated and remanded for resentencing because those sentences are intertwined with their now-vacated sentences on the conspiracy count.¹ In other words, they

¹ Defendant Ramon Terrell Daniels did not petition for rehearing, as we have already remanded both of his counts (Count 1 and Count 8) for resentencing.

argue that in addition to being resentenced on the conspiracy count, they are entitled to be resentenced on their substantive counts as well. While arguing that resentencing on the substantive counts is not required, the Government does not oppose vacating the sentences on the substantive counts and agrees that defendants should have their offense levels recalculated because, using grouping principles, their Guidelines range calculations were driven by the conspiracy's now-vacated 5 kilogram finding.

Accordingly, we VACATE the sentences of all defendants and REMAND the case for resentencing consistent with this Order. The Petition for Panel Rehearing is GRANTED to this extent and this extent only. The Petition is otherwise denied.