

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

vs.

CASE NOS: 8:92-cr-235-T-24 TGW
8:16-cv-1769-T-24 TGW

ROBERT DALE STEELE
U.S. Marshal No. 03881-028

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ORDER

This cause comes before the Court upon the filing of a Joint Stipulation between the United States and Defendant Steele regarding Section 2255 Motion and Resentencing (Doc. CV-11) filed October 13, 2016. The parties agree that in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), Defendant no longer qualifies for the ACCA enhancement. Pursuant to the stipulation, the parties further agree that: (1) Defendant's § 2255 motion should be granted, (2) Defendant's 1993 criminal judgment should be vacated, and (3) Defendant should be resentenced *in absentia* to 77 months of imprisonment, followed by 36 months of supervised release.

Accordingly, the Court orders:

1. Defendant's 28 U.S.C. §2255 motion to vacate (Doc. CV-1, CR-2) is **GRANTED**.
2. Defendant is sentenced *in absentia* to 77 months of imprisonment, followed by 36 months of supervised release, with the same terms and conditions imposed in the Judgment entered on April 19, 1993. The sentence runs consecutive to Defendant's imprisonment under any previous (prior to April 19, 1993) state or federal sentence.

3. The Clerk is directed to enter an Amended Judgment in the criminal case consistent with this order.

4. The Clerk is directed to enter judgment in favor of Steele in the civil case and then to close the civil case.

DONE AND ORDERED at Tampa, Florida, this 14th day of October, 2016.


SUSAN C. BUCKLEW
United States District Judge

Copies furnished to:
Counsel of Record