

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 07-14992  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 29, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 07-14041-CR-DLG

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SCOTT RICHARD LEKO,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

(January 29, 2009)

Before DUBINA, BLACK and FAY, Circuit Judges.

PER CURIAM:

The judgment is vacated and the case is remanded to the United States District Court for the Southern District of Florida for further consideration in light of *Chambers v. United States*, 555 U.S. \_\_\_\_, No. 06-11206, 2009 WL 63882 (Jan. 13, 2009).<sup>1</sup>

**VACATED AND REMANDED.**

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<sup>1</sup> We note a clerical error in the judgment. The plea agreement indicated Leko pled guilty to Count Three, while the judgment indicated Leko pled guilty to Count One. Both Counts charge the same crime, bank robbery, in violation of 18 U.S.C. § 2113(a). At the plea hearing, in open court, the court stated it had adjudged Leko guilty of Count Three. Accordingly, Count Three should be substituted for Count One in the judgment.