

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-10541
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APRIL 23, 2010 JOHN LEY CLERK

D. C. Docket No. 05-00346-CR-J-32-TEM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

AMARA JUWARA,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida

(April 23, 2010)

Before CARNES, BARKETT and MARCUS, Circuit Judges.

PER CURIAM:

Amara Juwara appeals the sentence imposed following the revocation of his supervised release. This appeal follows our denial of counsel’s motion to withdraw from further representation of Juwara on appeal pursuant to Anders v. California, 386 U.S. 738 (1967). Our initial review of the record revealed at least one issue of arguable merit: “whether the oral sentence pronounced by the district court or the written judgment controls.” The parties have now briefed that issue.

We have held that “[w]hen a sentence pronounced orally and unambiguously conflicts with the written order of judgment, the oral pronouncement governs.” United States v. Bates, 213 F.3d 1336, 1340 (11th Cir. 2000); see also United States v. Chavez, 204 F.3d 1305, 1316 (11th Cir. 2000) (same). Cf. United States v. Purcell, 715 F.2d 561, 563 (11th Cir. 1983) (“When there is an ambiguity in the oral sentencing, as opposed to a conflict between the oral pronouncement and the written judgment, it is proper to look to the written judgment to ascertain the court’s intention.”). The remedy in such a situation is a limited remand with instructions for the district court to enter an amended judgment that conforms to its earlier oral pronouncement. See Chavez, 204 F.3d at 1316.

The parties agree that the sentencing transcript reveals that the district court specifically and unambiguously stated that it was imposing a sentence of 12 months’ imprisonment, while the subsequent written judgment does not conform to

that oral pronouncement. Based on our precedent, the oral pronouncement of a 12-month term of imprisonment controls. Accordingly, we vacate the judgment and remand with instructions for the district court to amend the written judgment to conform to the earlier oral sentence.

VACATED AND REMANDED WITH INSTRUCTIONS.