

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-10519
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Dec. 30, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 08-00059-CR-JRH-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVE ROBERSON, III,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Georgia

(December 30, 2009)

Before TJOFLAT, EDMONDSON and BLACK, Circuit Judges.

PER CURIAM:

Dave Roberson, III, appeals his 300-month sentence for robbery of a commercial business, in violation of 18 U.S.C. § 1951, and brandishing a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c). Roberson asserts his prior Georgia conviction for a walkaway escape did not constitute a predicate “crime of violence” qualifying him for sentencing as a career offender under the Sentencing Guidelines. U.S.S.G. §§ 4B1.1(a), 4B1.2(a).

The Government concedes that, in light of the recent decision in *Chambers v. United States*, __ U.S. __, 129 S. Ct. 687 (2009), “Roberson’s escape conviction, based upon a walkaway escape, did not constitute a crime of violence” under U.S.S.G. § 4B1.2. We agree with the Government’s concession. Thus, we vacate and remand for resentencing.

VACATED AND REMANDED.