

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 10-15147  
Non-Argument Calendar

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEP 02, 2011 JOHN LEY CLERK
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D.C. Docket No. 4:10-cr-00025-RH-WCS-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALDO RAY WILSON,

Defendant-Appellant.

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

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(September 2, 2011)

Before EDMONDSON, PRYOR and KRAVITCH, Circuit Judges.

PER CURIAM:

Aldo Ray Wilson appeals his sentence of 235 months of imprisonment for possessing a firearm and ammunition as a convicted felon. 18 U.S.C. §§

922(g)(1); 924(e). Wilson argues that his sentence is procedurally unreasonable.

We affirm Wilson's sentence, but we remand for the limited purpose of correcting an error in the written judgment.

Wilson's sentence is procedurally reasonable. Wilson argues that the written judgment, which states that "a lesser sentence is not statutorily authorized," creates substantial doubt that the district court understood that it had the authority to impose a more lenient sentence, but this excerpt from the written judgment amounts to no more than a scrivener's error. The district court explained during the sentencing hearing that it had given "substantial consideration whether [a statutory minimum sentence of] 180 months would be adequate." The district court considered the statutory factors and explained that, based on Wilson's extensive criminal history that included convictions for felony battery and aggravated battery with a deadly weapon, a sentence at the low end of the guideline range would best protect the public and effectuate the intent of Congress in prohibiting convicts from possessing weapons. See Gall v. United States, 552 U.S. 38, 51, 128 S. Ct. 586, 597 (2007). The district court clearly understood that it could vary below the low end of the guideline range. Although we affirm Wilson's sentence, we remand for the district court to delete from its written judgment the statement that Wilson could not receive a lesser sentence.

See United States v. Bonilla, 579 F.3d 1233, 1245 (11th Cir. 2009).

We **AFFIRM** Wilson's sentence, and we **REMAND** for the district court to correct the error in its written judgment.