

NOT RECOMMENDED FOR PUBLICATION

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Nos. 03-6159, 03-6160

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAMMY CURTIS,

Defendant-Appellant,

**ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE**

ORDER

TONIA DAVIS,

Defendant-Appellant.

BEFORE: BOGGS, Chief Judge; CLAY, Circuit Judge; and WALTER, District Judge.*

Defendant Jammy Curtis appeals only from his sentence of 160 months, imposed following his conviction by guilty plea of conspiring to manufacture methamphetamine in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846. Likewise, Defendant Tonia Davis appeals only from her sentence of seventy months, imposed following her conviction by guilty plea of possession of

*The Honorable Donald E. Walter, United States District Judge for the Western District of Louisiana, sitting by designation.

equipment, chemicals, products, and materials used to manufacture methamphetamine, in violation of 21 U.S.C. § 843(a)(6) and 18 U.S.C. § 2.

Both Defendants have submitted letter briefs arguing that the judicial fact-finding in this case violated *Blakely v. Washington*, 542 U.S.—, 124 S.Ct. 2531 (2004). In addition, Defendant Curtis submitted a letter brief following the announcement of the Supreme Court’s decision in *United States v. Booker*, 543 U.S. —, 124 S.Ct. 738 (2005). Upon review of the record, we agree that Defendants’ sentences must be vacated and remanded in light of *Booker*. See *United States v. Oliver*, 397 F.3d 369, 2005 WL 233779 (6th Cir. 2005).

IT IS SO ORDERED.