

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41300  
Summary Calendar

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UNITED STATES of AMERICA,

Plaintiff-Appellee,

versus

CARLOS ROMEO LERMA,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. B-98-CR-50-1  
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September 28, 2000

Before EMILIO M. GARZA, STEWART and PARKER, Circuit Judges.

PER CURIAM:\*

Carlos Romeo Lerma appeals the sentence imposed upon revocation of his probation by contending that he was not afforded the right of allocution at the sentencing hearing, in violation of Fed. R. Crim. P. 32(c)(3)(C). The Government confesses error and agrees that Lerma is entitled to relief. See United States v. Anderson, 987 F.2d 251, 261 (5th Cir. 1993). Accordingly, Lerma's sentence is VACATED and the case is REMANDED so that Lerma can exercise his right of allocution prior to resentencing.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.