

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11179  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TONY ORLANDO ARMSTRONG,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:94-CR-414-R  
- - - - -

May 16, 1997

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

Appellant Tony Armstrong has appealed the sentence to a 300-month prison term which he received for bank robbery, in violation of 18 U.S.C. § 2113(a). The maximum prison term provided by the statute for this offense is 20 years. The district court concluded that Armstrong's sentencing range as a career offender was from 262 to 327 months in prison.

A defendant's sentence may not exceed the maximum statutory

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

limit provided for the offense of which he was convicted. United States v. Collins, 40 F.3d 95, 101 (5th Cir. 1994), cert. denied, 115 S. Ct. 1986 (1995). "Where the statutorily authorized maximum sentence is less than the minimum of the applicable guideline range, the statutorily authorized maximum sentence shall be the guideline sentence." U.S.S.G. § 5G1.1(a). Accordingly, Armstrong's sentence is vacated and the cause is remanded for him to be resentenced to a 240-month prison term. See United States v. Stephenson, 887 F.2d 57, 62 (5th Cir. 1989).

VACATED AND REMANDED.