

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-10238

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT Dec. 18, 2009 THOMAS K. KAHN CLERK
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D. C. Docket No. 05-00479-CR-JTC-1-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HARRISON NORRIS, JR.,
a.k.a. Hardbody Harrison,

Defendant-Appellant.

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

(December 18, 2009)

Before DUBINA, Chief Judge, BIRCH and BLACK, Circuit Judges.

PER CURIAM:

After having thoroughly reviewed the record and briefs, and having had the benefit of oral argument in this case, we are of the opinion that Appellant's convictions should be affirmed. With regard to the general sentence imposed by the district court, however, we vacate and remand. A general sentence is *per se* illegal when it exceeds the maximum allowable sentence on one of the counts for which it is imposed. *United States v. Woodward*, 938 F.2d 1255, 1256 (11th Cir. 1991). That the district court has the authority to impose the same sentence upon remand does not change our duty to vacate the general sentence and remand so that the court may impose a legal sentence. *See Jones v. United States*, 224 F.3d 1251, 1259 (11th Cir. 2000).

AFFIRMED, in part, and VACATED AND REMANDED, in part.