

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 97-4348

DEBORAH K. DERAIMO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of West Virginia, at Charleston.
Charles H. Haden II, Chief District Judge.
(CR-93-289)

Submitted: September 22, 1998

Decided: October 22, 1998

Before NIEMEYER and MICHAEL, Circuit Judges, and
PHILLIPS, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Hunt L. Charach, Federal Public Defender, George H. Lancaster, Jr.,
Assistant Federal Public Defender, Charleston, West Virginia, for
Appellant. Rebecca B. Betts, United States Attorney, Miller A.
Bushong III, Assistant United States Attorney, Charleston, West Vir-
ginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Deborah K. DeRaimo appeals the district court's order sentencing her to twenty-one months' imprisonment and an unspecified term of supervised release, contending that the sentence is impermissibly vague. Our review leads us to conclude that the district court's oral pronouncement of sentence is subject to multiple interpretations and is therefore ambiguous. Because this ambiguity is not resolved by reference to either the written judgment or the record on appeal, we vacate this portion of the sentencing order and remand for resentencing. See United States v. May, 52 F.3d 885 (10th Cir. 1995) (vacating as ambiguous restitution order insusceptible to clarification).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

VACATED AND REMANDED*

*In remanding for resentencing, we observe for guidance of the district court that United States v. Lominac, 144 F.3d 308 (4th Cir. 1998), decided while this appeal was pending, speaks to the retroactive application of 18 U.S.C. § 3583(h).