

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-3149

United States of America,	*	
	*	
Plaintiff – Appellee,	*	Appeal from the United States
	*	District Court for the
v.	*	Southern District of Iowa.
	*	
Matthew James Wood,	*	[Unpublished]
	*	
Defendant – Appellant.	*	

Submitted: May 9, 2005
Filed: August 5, 2005

Before WOLLMAN, BRIGHT, and BYE, Circuit Judges.

PER CURIAM.

The district court violated the Sixth Amendment by applying a mandatory version of the federal sentencing guidelines, which required it to enhance the defendant's sentence beyond the statutory maximum based on facts not admitted to by him nor found by a jury beyond a reasonable doubt. United States v. Booker, 125 S. Ct. 738, 756 (2005). The defendant raised and preserved the error at the time of sentencing and we cannot say this constitutional error was harmless beyond a reasonable doubt. See United States v. Haidley, 400 F.3d 642 (8th Cir. 2005). We therefore vacate the sentence and remand for resentencing.
