

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL No. 2:05-cr-10-DBH</b>
	)	<b>CIVIL No. 2:15-cv-287-DBH</b>
<b>ARNOLD RICHARDS, III,</b>	)	
	)	
<b>DEFENDANT/PETITIONER</b>	)	

**ORDER ON DEFENDANT’S MOTION TO VACATE,  
SET ASIDE, OR CORRECT SENTENCE**

The defendant/petitioner has filed a motion under 28 U.S.C. § 2255 arguing that his Armed Career Criminal sentence of 15 years must be corrected in light of the Supreme Court decision in Johnson v. United States, 135 S. Ct. 2551 (2015), holding the residuary clause portion of that statute void for vagueness. The government has filed a response in which it recognizes that Johnson should be applied retroactively, that one of his three predicate convictions was counted under the residuary clause, and that without that conviction the defendant/petitioner is not an Armed Career Criminal. If he is not an Armed Career Criminal, then the statutory maximum sentence is ten years, and he has already served (according to the Bureau of Prisons) almost ten and one-half years. Gov’t’s Resp. to Pet’r’s Mot. Pursuant to 28 U.S.C. § 2255 at 4 (Aug. 28, 2015) (ECF No. 53).

Accordingly I **GRANT** the motion under 28 U.S.C. § 2255 and **ORDER** that the sentence be corrected to ten (10) years. I expect that will result in an expeditious discharge of the defendant/petitioner.

**SO ORDERED.**

**DATED THIS 28<sup>TH</sup> DAY OF AUGUST, 2015**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CRIMINAL DOCKET No. 2:05-CR-10-DBH**

**United States of America**

Represented By Renee M. Bunker  
Assistant United States Attorney  
100 Middle Street Plaza  
Portland, ME 04101  
(207) 780-3257  
email: [renee.bunker@usdoj.gov](mailto:renee.bunker@usdoj.gov)

**v.**

**Arnold D. Richards, III**

**Defendant**

Represented By Arnold D. Richards, III, Pro Se  
No. 04621-036  
FCI Danbury  
33-1/2 Pembroke Road  
Danbury, CT 06811