
* This order and judgment is not binding

Defendant Miguel

recommended that Hernandez-Martinez be sentenced to the low end of the guideline range, and on November 6, 2001, the district court acco

for review by the Supreme Court in the event *Almendarez-Torres* is overruled.

This he has done. In the meantime, *Almendarez-Torres* directly controls our decision in this case, and we must affirm the sentence