

United States Court of Appeals

For the First Circuit

No. 00-2460

UNITED STATES OF AMERICA,

Appellee,

v.

JAMES R. RIGGS, JR.,

Defendant, Appellant.

ERRATA SHEET

The opinion of this Court issued on April 24, 2002, is amended as follows:

The final paragraph of the opinion should be replaced with the following text:

As a result of the government's breach of the plea agreement, exacerbated by defense counsel's performance, we **vacate** the sentence and **remand** the case for further proceedings. Whether specific performance or an opportunity to withdraw the guilty plea is the appropriate remedy is a matter to be considered in the district court. If specific performance is ordered, we refer the court to our admonition in previous cases that in these circumstances resentencing ordinarily ought to be done by a different district judge. See, e.g., United States v. Kurkculer, 918 F.2d 295, 298 (1st Cir. 1990) (citing Santobello v. New York, 404 U.S. 257, 263 (1971)).