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Criminal Law & Procedure, Sentencing

US v. Correy, No. 12-1542

In this case, defendant asks the court to reconsider his sentence a third time. Defendant's sentence is vacated and remanded, where the sentencing judge failed to follow this court's instruction to make individualized, record-based drug quantity findings on remand.

Criminal Law & Procedure, Evidence

US v. Rodriguez-Soler, No. 13-1527

In this case in which the district judge admitted into evidence pictures of defendant showing him with accused coconspirators and allowed police officers to testify about the pictures, conviction of defendant for various drug and firearm charges is affirmed, where: 1) the contested picture evidence is relevant to show that defendant knew some of the conspirators, a non-propensity purpose; and 2) the balance between probative worth and prejudicial impact tilts in favor of letting the evidence in.

Criminal Law & Procedure, Sentencing

US v. Narvaez-Soto, No. 13-1963

In this case, defendant challenges his upwardly variant sentence. The sentence is affirmed, where: 1) even if the underlying conduct is already accounted for by an offense level adjustment, the court may consider the manner in which the offense was committed in making a further upward departure; 2) the particularly heinous circumstances of this case made defendant a candidate for significant punishment; and 3) the court's reasoning was sufficiently particularized and sufficiently compelling.