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Civil Rights, Education Law

South Kingstown School Committee v. S., No. 14-1177

In this case arising out of the Individuals with Disabilities Education Act (IDEA), defendant is the mother a disabled child that plaintiff School Committee is responsible for educating. The mother alleges that the School Committee's failure to protect her right to additional evaluations to determine her child's educational needs violated its IDEA obligations. On cross motion, summary judgment in favor of the School Committee is affirmed, where: 1) the Settlement Agreement between both parties relieves the School Committee of any obligation to perform or fund one of the evaluations the mother seeks; and 2) there was insufficient factual support for the mother's other evaluation requests.

Sentencing, Evidence, Criminal Law & Procedure

US v. Davis, No. 13-2292

In this criminal case in which defendant was convicted of being a felon in possession of two firearms and sentenced to fifteen years in prison after a finding that he qualified as an armed career criminal, defendant argues that two statements he made regarding the presence of firearms inside the residence should be suppressed. He further contests the armed career criminal finding. Conviction and sentence is affirmed, where: 1) even absent defendant's statements, the evidence is more than sufficient to sustain his conviction; and 2) defendant's prior convictions, including vehicular flight on foot, constituted "violent felonies" within the meaning of the Armed Career Criminal Act.

Rosetti v. US, No. 12-1451

In this case, petitioner was convicted on federal criminal charges arising from a plot to rob an armored car depot. Denial of his petition for a writ of habeas corpus is affirmed, where: 1) there is not a reasonable probability that the perceived shortcomings of petitioner's counsel affected the result in this case; and 2) though petitioner seeks to modify his sentence based on his successful vacated of a prior state conviction that was considered when calculating his present sentence, he did not seek resentencing in a timely manner, and thus his effort to reopen his sentence fails under *Johnson v. United States*.