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U.S. 1ST CIRCUIT COURT OF APPEALS

CRIMINAL LAW & PROCEDURE, SENTENCING

US v. Matthews, No. 13-1256

Defendant's convictions of one count of conspiring with others to make false statements to a firearms dealer, three counts of possessing a firearm following a felony conviction, and one count of possessing marijuana, are affirmed, where: 1) the district court properly denied defendant a judgment of acquittal on the marijuana possession count because 21 U.S.C. section 844(a)'s "unless" clause creates an exception for an accused to invoke by producing prima facie evidence of a valid prescription, not an element of the offense for a prosecutor to prove; and 2) the district court did not err in applying a four-level sentencing enhancement for possessing any firearm in connection with another felony offense, namely, felony drug trafficking.

GOVERNMENT LAW, INJURY & TORT LAW, PROPERTY LAW & REAL ESTATE

Calderon-Ortega v. US, No. 13-1498

Judgment for defendant in an action alleging a dangerous condition on defendant's commercial premises which resulted in injury to plaintiff when she slipped on liquid on the floor of the premises, is affirmed, where the district court did not err in concluding that evidence failed to show that defendant had the requisite knowledge, actual or constructive, of the existence of the spill.

CIVIL RIGHTS, LABOR & EMPLOYMENT LAW

Climent-Garcia v. Autoridad de Transporte, No. 12-2442

Judgment for plaintiff in a suit alleging adverse employment action and a failure to hire on account of sex is affirmed, where: 1) defendant-employer failed to renew its motion for judgment as a matter of law post-verdict, which bars its sufficiency-of-the-evidence claim from review; and 2) with regard to the damages award, the district court did not abuse its discretion in denying defendant's request for remittitur.