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U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure, Sentencing

US v. Davila-Felix, No. 13-1225

Enhancement of defendant's sentence pursuant to a finding that established defendant as a career offender is affirmed, where: 1) previous reversal of the district court's application of the "three strikes" statute invalidated a mandatory sentence of life imprisonment, thereby making the career offender enhancement newly relevant at resentencing; and 2) the decision to allow new evidence that would support career offender enhancement promotes rather than undermines judicial economy.

US v. Diaz-Colon, No. 12-1627

Conviction for carjacking, robbery, and homicide of a rival drug dealer is affirmed for all three defendants, where: 1) though the district court's admission of evidence of past crimes borders on overshooting under Rule 403, it is not so far beyond the pale as to constitute the type of "exceptional circumstance" that calls for reversal; 2) even if the prosecutor's remarks vouching for the credibility of their witnesses were clearly and obviously improper, which is doubtful, it is not clear that the jurors would have inferred such a suggestion of credibility from the prosecutor's remarks; 3) it does not follow from the fact that a defendant's indictment was constructively amended, that his conviction must be vacated or reversed; and 4) logically inconsistent jury verdicts on multiple counts are not grounds for reversing a conviction.