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U.S. 1ST CIRCUIT COURT OF APPEALS

Criminal Law & Procedure, Sentencing, Evidence

US v. Rivera-Rodriguez, No. 11-1689

Defendants' convictions and sentences on drug possession and distribution charges are: 1) vacated in part and remanded with regard to defendant Rivera-Rodríguez's conviction, due to the district court's improper questioning of witnesses and its intervention during closing arguments; but 2) affirmed in part, as to defendant Mercado-Cruz's conviction and sentence.

Criminal Law & Procedure, Sentencing, Evidence

US v. Dirosa, No. 13-1643

Defendant's conviction and sentence for wire fraud are affirmed, where: 1) there was sufficient evidence in the record from which a jury could have reasonably concluded that the government proved all of the essential elements of wire fraud; 2) the district court did not abuse its discretion in admitting testimony regarding defendant's prior acts; 3) the district court did not err in admitting statements of a co-conspirator; and 4) defendant's sentence is reasonable.

Criminal Law & Procedure, Evidence

US v. Liriano, No. 12-1780

Defendant's conviction of conspiracy to possess with intent to distribute a controlled substance is affirmed, where: 1) the evidence at trial was legally sufficient to support the conviction; 2) there was no error in admitting the witness' out of court statement; 3) any error in admitting the agent's instruction to the witness was harmless; and 4) the prosecutor's statements in closing were not improper.

Criminal Law & Procedure

US v. Gonyer, No. 13-1701

Defendant's conviction and sentence for three counts of sexual exploitation of a child and one count of possession of child pornography are affirmed, where: 1) the sexual abuse evidence was admissible under Federal Rule of Evidence 404(b) to, among other things, establish defendant's motive for the offenses and show that his possession of the photographs of TT was not a matter of mistake or accident; and 2) the sentencing enhancements were permissible under Guidelines section 2G2.1(b).

Criminal Law & Procedure, Sentencing

US v. Del Valle-Rodriguez, No. 13-1858

Defendant's sentence for taking a motor vehicle by force, violence, and intimidation with the intent to cause death or serious bodily harm is affirmed, where: 1) the mere mention of rehabilitative needs, without any indication that those needs influenced the length of the sentence imposed is not error; and 2) the district court did not abuse its discretion in imposing an upward variance.

Bankruptcy Law

Pinpoint IT Services, LLC v. Atlas IT Export, Corp., No. 13-9003

A creditor's appeal from the Bankruptcy Appellate Panel's judgment dismissing its challenge to the bankruptcy court's no-stay-relief order is dismissed for lack of jurisdiction, where the bankruptcy court's order denying the creditor stay relief does not constitute a "final" order.