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Criminal Law & Procedure, Sentencing

US v. Jones, No. 13-2358

In this case, following a failed motion to suppress, defendant pleaded guilty to an array of drug-trafficking charges. Defendant now challenges both his conviction and 135-month sentence. The judgment is affirmed, where: 1) there was no error in the change-of-plea colloquy; 2) the application of the stash house enhancement was proper as there was ample evidence that defendant exercised dominion and control over the apartment despite not renting or owning it, and a sufficient nexus existed between the premises and defendant's drug-trafficking activities; and 3) while this case was pending on appeal, an amendment was adopted that reduced the recommended penalties for many drug offenses and gave the reductions retroactive effect, but a defendant who seeks resentencing under a retroactive guideline amendment must file a motion in the district court.

Criminal Law & Procedure

US v. Martinez-Rodriguez, No. 13-1633

In this case, defendants were convicted of aiding and abetting the attempted possession of narcotics with intent to distribute, aiding and abetting the possession of a firearm in furtherance of a drug-trafficking crime, and separately, defendant Rodriguez plead guilty to being a felon in possession of a firearm. Defendants challenge the sufficiency of the evidence to support their various convictions. The judgment is reversed as to Rodriguez' two aiding and abetting charges and as to defendant Santini's possession of a firearm in furtherance of a drug-trafficking crime charge, where the government failed to produce sufficient evidence from which a rational jury could conclude that there was a relationship between the respective contraband possessed by Santini and Rodriguez.

Criminal Law & Procedure, Sentencing

US v. Reverol-Rivera, No. 12-1991

In this case, defendant Reverol and his accomplice both pled guilty to importing cocaine to the United States. Reverol challenges the district court's decision to give him a much longer sentence than his accomplice, even though both piloted the boat used to import the cocaine. The sentence is affirmed, where the sentencing disparity between these co-defendants was reasonably justified by the difference in culpability that the district court expressly found, pointing to the accomplice's last-minute addition to the operation and subordinate role at sea, and Reverol's ultimate responsibility for captaining the ship.

Civil Procedure, Commercial Law, Consumer Protection Law

Marcus v. Forest Pharmaceuticals, Inc., No. 14-1290

In this putative class action, plaintiffs claim that defendant Forest Pharmaceuticals' FDA-approved drug label misleads California consumers by omitting material efficacy information in violation of California's Consumer Legal Remedies Act, False Advertising Law, and Unfair Competition Law. Judgment dismissing the complaint is affirmed, where federal law impliedly preempts these claims because the Federal Food, Drug, and Cosmetic Act (21 U.S.C. section 301 et seq.) prohibits Forest Pharmaceuticals from independently changing its FDA-approved label.

Labor & Employment Law

Soto-Feliciano v. Villa Cofresi Hotels, Inc., No. 13-2296

In this employment discrimination case, plaintiff alleges that he was fired because of his age and in retaliation for his efforts to assert his rights against this alleged discrimination. Summary judgment for the defendants is reversed, where: 1) plaintiff has put forth a sufficient prima facie case of age discrimination to survive summary judgment; 2) a rational jury could reasonably infer that, based on the evidence, defendants fired plaintiff due to his age and not some other nondiscriminatory pretext; 3) plaintiff has shown inconsistencies in defendants' case sufficient to support an inference of pretext; and 4) a rational jury could find for plaintiff on his retaliation claim.