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## **Most Recent Summaries**

### **Casiano-Jimenez v. US**

March 29, 2016

Habeas Corpus, Criminal Law & Procedure

(United States First Circuit) - In a criminal proceeding, a denial of defendant's petition for post-conviction relief under 28 U.S.C. section 2255 was reversed where defendant was not informed by trial counsel of his constitutional right to testify, or not testify, on his own behalf. Due to this reversible error, the case was remanded for the lower court to vacate the defendant's conviction and sentence.

### **US v. Cardona-Vicente**

March 29, 2016

Criminal Law & Procedure

(United States First Circuit) - Conviction for two counts of possession of a controlled substance with intent to distribute and one count of possession of a firearm in furtherance of a drug trafficking crime were upheld where the lower court properly denied a motion to suppress evidence gleaned from a pat-frisk based on sufficient showing of reasonable suspicion that defendant was armed and dangerous.

### **US v. Torres-Estrada**

March 25, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for two drug conspiracy convictions, possession with intent to distribute controlled substances and importation of heroin, is affirmed where: 1) any communication the district court had with the government witness's attorney did not call the district court's impartiality into question; and 2) the district court did not abuse its discretion in deciding not to recuse itself.

### **Berkowitz v. Berkowitz**

March 25, 2016

Injury & Tort Law

(United States First Circuit) - In cross appeals in a lawsuit for breach of fiduciary duty brought by a father against his daughter, involving an issue of whether the daughter forged the father's signature to effectuate the transfer of certain of the father's assets, the district court's judgment is affirmed where: 1) daughter's appeal fails because she makes no argument as to how the court erred in relying on the testimony of father's attorney in declining to apply judicial estoppel, nor does the record reveal any basis for finding such an error; and 2) father's appeal fails because there is no error in the amount of prejudgment interest that the District Court awarded.

**Gil-De La Madrid v. Bowles Custom Pools & Spa**

March 25, 2016

Bankruptcy Law

(United States First Circuit) - In a Bankruptcy debtor's appeal, the bankruptcy court's decision to permit a creditor to file an unsecured claim after the initial statutory ninety-day deadline from the date of the initial creditors' meeting had passed is affirmed where the deadline fell in a period between the case's dismissal and subsequent reinstatement, the bankruptcy court reset the deadline to account for the time the case was dismissed and accepted creditor's claim as timely.