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US v. Brown

November 3, 2015

(United States First Circuit) - Conviction of distribution of a controlled substance and sentence are affirmed over defendant's meritless claim that the district court erred in denying his motion for a new trial based on the inadvertent submission of evidence that had previously been ruled inadmissible, where any error in offering and admitting the pertinent portion of the video evidence was harmless.

US v. Alvira-Sanchez

October 29, 2015

(United States First Circuit) - Conviction for drug and firearm crimes is affirmed over defendant's claims that the district court erred in accepting his guilty plea, where: 1) defendant made no objections to any of the purported errors at the time; 2) defendant did not seek to withdraw his plea, even after he was sentenced; and 3) although some of defendant's claims are meritorious, no shortcoming in the district court's acceptance of his plea caused him any harm. Case is remanded solely for consideration of a sentencing reduction because the parties agree that defendant is entitled to seek a reduction under Amendment 782 to the Drug Quantity Table of the United States Guidelines.

US v. McDonald

October 29, 2015

(United States First Circuit) - Sentence and conviction of possession with intent to distribute heroin, 21 U.S.C. section 841(a)(1), and being a felon in possession of a firearm, 18 U.S.C. section 922(g)(1), are affirmed where the district court: 1) correctly denied defendant's motion to suppress; and 2) at sentencing, correctly found that he had tried to obstruct justice by trying to swallow a small bag of heroin.

Jarvis v. Village Gun Shop, Inc.

October 29, 2015

(United States First Circuit) - In an action under 42 U.S.C. section 1983, involving the actions of a privately owned storage facility with respect to firearms confiscated by Massachusetts police officers, the district court's grant of summary judgment to defendant is affirmed where the storage facility sued here was not a state actor, and was not so entangled with the actions of public entities so as to become liable as a state actor.

US v. Dudley

October 29, 2015

(United States First Circuit) - Convictions, after two separate jury trials, of possession of child pornography, 18 U.S.C. section 2252A(a)(5)(B) and 2256(8)(A), and false declaration before the court, 18 U.S.C. section 1623(a), are affirmed over defendant's challenges to: 1) denial of his motion to suppress; 2) the district court's decision to permit the government to play two video excerpts of child pornography for the jury; and 3) the district court's denial of his motion for judgment of acquittal in the perjury matter.