

First Circuit Opinion Summaries by Findlaw

- [First Circuit Opinion Summaries by Findlaw](#) - with links to full-text opinions arranged by month.

Most Recent Summaries

US v. Santiago-Rivera

November 8, 2015

(United States First Circuit) - Sentence and conviction of producing child pornography, 18 U.S.C. section 2251(a), and possessing child pornography, 18 U.S.C. section 2252(a)(4)(B), are affirmed where: 1) the district court acted within its discretion in denying a further evidentiary hearing beyond what was already done at sentencing; 2) although the magistrate judge did advise defendant at his change of plea hearing that he faced a potential term of life imprisonment, this error was neither plain nor prejudicial; and 3) the government would face severe prejudice if defendant were permitted to withdraw his guilty plea.

US v. MacArthur

November 8, 2015

(United States First Circuit) - Sentence for conviction by guilty plea to illegal possession of firearms after having been previously convicted of a crime punishable by imprisonment for a term of more than one year, and illegal possession of firearms that defendant knew or had reasonable cause to believe were stolen, is affirmed where: 1) regarding alleged error by the court in counting two prior convictions as "crimes of violence" under U.S.S.G. section 2K2.1, defendant failed to show either obvious error or that the result likely would have differed but for the claim error; 2) the district court acted within its discretion in denying defendant a downward adjustment for acceptance of responsibility under U.S.S.G. section 3E1.1; 3) application of the two-point enhancement for causing reckless endangerment during flight under U.S.S.G. section 3C1.2 was not erroneous; and 4) defendant's pro se supplemental claims do not merit relief.

Cabrera v. Lynch

November 8, 2015

(United States First Circuit) - In a petition for review of the Board of Immigrant Appeals final order upholding the decision of an Immigration Judge, which denied Dominican petitioner both an I-751 waiver and cancellation of removal, the denial of the petition is affirmed where the BIA did not err in declaring the petitioner categorically ineligible for cancellation of removal under 8 U.S.C. section 1229b(a).

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. 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.

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. 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.

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.