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CRIMINAL LAW & PROCEDURE, SENTENCING, EVIDENCE

US v. Guzman-Montanez, No. 13-1070

Defendant's convictions and sentences for being a felon in possession of a firearm and for possession of a firearm in a school zone, are: 1) affirmed in part as to the conviction for being a felon in possession, where there were no evidentiary errors with respect to the admission of the silver Beretta pistol allegedly possessed by the other suspect, and there was sufficient evidence to support this count; but 2) reversed in part and remanded, as to the conviction and sentence for possession of a firearm in a school zone, where the prosecution's evidence was insufficient to prove the requisite element that defendant knew or reasonably should have known he was in a school zone while possessing a firearm.

CRIMINAL LAW & PROCEDURE, SENTENCING

US v. Aponte, No. 13-1302

Following defendant's guilty plea to robbery and brandishing a firearm during a robbery, the district court's imposition of consecutive incarcerative sentences of 72 months and 84 months are affirmed, where: 1) defendant received a sentence that varied from the applicable Guidelines ranges, rather than an upward departure under the Guidelines; and 2) the district court committed no plain error in the variance.

BANKRUPTCY LAW

Zullo v. Lombardo, No. 13-9004

The bankruptcy court's dismissal on summary judgment of the creditor's adversary proceeding against the debtor, after denying the creditor leave to amend his complaint is affirmed, where: 1) the creditor provided no explanation for the seventeen-month delay between filing the complaint and seeking leave to amend; and 2) the bankruptcy court did not abuse its discretion in denying his request for leave to amend.