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Most Recent Summaries

Utica Mutual Ins. Co. v. Herbert H. Landy Ins. Agency

April 19, 2016

Insurance Law

(United States First Circuit) - In an coverage action between two insurance companies, the district court's summary judgment order requiring plaintiff to defend its insured, defendant, in a California state court lawsuit is affirmed where plaintiff is obligated to defend defendant under its professional liability insurance policy.

US v. Rodriguez-Milian

April 19, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence and conviction of conspiracy to import five or more kilograms of cocaine into the customs territory of the United States, in violations of 21 U.S.C. sections 952(a) and 963, are: 1) affirmed as to convictions over meritless challenges to sufficiency of evidence, prejudicial variance and other alleged errors at trial; but 2) remanded as to sentence to allow the district court to consider a reduction under a recent amendment to the sentencing guidelines.

US v. Ford

April 14, 2016

Criminal Law & Procedure

(United States First Circuit) - In a case of first impression, defendant's conviction and sentence for aiding and abetting, 18 U.S.C. section 2, involving defendant's rifle which she allowed her husband to use for target practice, is: 1) reversed as to conviction on the aiding and abetting count, where the jury should not have been allowed to convict defendant of aiding and abetting her husband's unlawful possession of a firearm merely because she "had reason to know" that he had previously been convicted of a crime punishable by more than a year in prison; but 2) affirmed in all other respects.

Reid v. Donelan

April 13, 2016

Class Actions, Immigration Law, Criminal Law & Procedure

(United States First Circuit) - In a class action, brought by a lawful permanent resident who was detained for eight months pursuant to 8 U.S.C. section 1226(c), which states that aliens who have committed certain criminal offenses are subject to mandatory detention after serving their criminal sentence and pending their removal proceedings, the district court's judgment in favor of plaintiff is: 1) affirmed with respect to petitioner where the individualized circumstances of

his case rendered his detention unreasonable; but 2) vacated and remanded with respect to class certification.

US v. Webster

April 13, 2016

Criminal Law & Procedure, Sentencing

(United States First Circuit) - District court's imposition of sex offender treatment and polygraph examination stemming from defendant's failure to register as a sex offender, as required by the Sex Offender Registration and Notification Act (SORNA), 18 U.S.C. section 2250(a), is affirmed where: 1) the conditions were warranted by defendant's individual characteristics; and 2) such conditions were also necessary to achieve the goals of supervised release.

US v. Georgiadas

April 8, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence and conviction of defendant's participation in a complex, multi-million dollar investment fraud is affirmed in all respects over: 1) challenges to conviction on conspiracy to commit money laundering involving extradition and venue; 2) claims that district court committed Batson error, improperly admitted the testimony, erroneously denied his motion for a mistrial based on a concededly late disclosure by the prosecution of certain materials, and gave an erroneous instruction on reasonable doubt; and 3) claim of unreasonable sentence.

Gomez v. Rodriguez-Wilson

April 8, 2016

Injury & Tort Law, Attorney's Fees

(United States First Circuit) - In an injury suit alleging plaintiff's death due to negligent care, the district court's order vacating the jury award, as well as the district court's order declining attorneys' fees in plaintiffs' favor, are vacated where: 1) the district court improperly vacated the jury award; and 2) because we find that defendant engaged in obstinate conduct during trial.

US v. Pabon

April 8, 2016

Criminal Law & Procedure, Sentencing

(United States First Circuit) - Sentence for failing to register as a sex offender in violation of the Sex Offender Registration and Notification Act (SORNA), 18 U.S.C. section 2250(a), the conditions of which require defendant to participate in a sex offender treatment program, submit to polygraph testing, and restrict his association with minors, is affirmed where, in light of defendant's substantial criminal history and the district court's ample explanation for the conditions imposed, the court did not exceed its sentencing discretion under 18 U.S.C. section 3583(d).