

CASE TOPICS ORGANIZED IN CATEGORIES

Categories

3553(A) FACTORS

- Intellectual Disability
- Must Consider 3553(a) Factors
- Post-Sentence Conduct
- Reduction in Recidivism Due to Age

851 ENHANCEMENT

- Disparity Between Current 851 Mandatory Minimum and Earlier Version
- Serious Drug Felony
- Would Not Qualify Today for 851 Enhancement

CAREER OFFENDER

- Elimination of Career Offender's Residual Clause
- Elimination of Burglary from Career Offender Provision
- Shortcomings of Career Offender Guideline
- Would Not Qualify Today for Career Offender

ELIGIBILITY

- Five Kilograms of Powder
- Quantity
- Relevant Conduct
- North Florida Sentencing Practices
- Sentencing Package

GENERAL OBSERVATIONS

- Purpose of Fair Sentencing Act
- Reference to Life Sentence Destroying Hope
- Two Steps

GUIDELINE CHANGES

- Change in Guideline Calculations Based on Same Day Sentencing
- Disparity Between Career Offender Guideline and Drug Guideline
- Hegwood
- Recency Points

Rely on Current Guidelines?

MISCELLANEOUS

Concurrent State Sentence Failed to Run Concurrently
Stacked 924(c) Sentences

OBSTACLES

Completed Drug Sentence
Bad Conduct
Already Received Reduced Sentence on Basis of Guideline Amendments
Substantial Assistance
Sentenced Determined by Firearm Guideline (2K2.1)

Cases by Category

Already Received Reduced Sentence on Basis of Guideline Amendments

Johnson, Frederick: Filed 9/16/19
Nunnaly, Trevin: Filed 8/20/19

Bad Conduct

Brown, Corey: Filed 8/9/19
Gospidon, Gangsta: Filed 7/24/19
Johnson, Alonzo: Filed 9/12/19
Juarez, Daniel: Filed 9/30/19

Change in Guideline Calculations Based on Same Day Sentencing

Tinsley, Raphael: Filed 10/29/19

Completed Drug Sentence

Breland, Thomas: Filed 11/8/19
Johnson, Alonzo: Filed 9/12/19

Concurrent State Sentence Failed to Run Concurrently

Crawford, Caswell: Filed 11/15/19.

Disparity Between Career Offender Guideline and Drug Guideline

Bolware, Jonathan: Filed 5/10/19
Denson, Tony. Filed: 4/11/19
Hall Robert: Filed 10/25/19

Oliver, Anthony: Filed 8/19/19
Owen, Christopher: Filed 6/25/19
Sessions, Jerome: Filed 8/20/19
Tinsley, Raphael: Filed 10/29/19

Disparity Between Current 851 Mandatory Minimum and Earlier Version

Phillips, Warren: Filed 11/13/19
Cawthon, Adrian: Filed 11/6/19

Elimination of Career Offender's Residual Clause

Bolware, Jonathan: Filed 5/10/19
Gardner, Lavel: Filed 11/13/19

Elimination of Burglary from Career Offender Provision

Cawthon, Adrian: Filed 11/6/19.

Five Kilograms of Powder

Bethel, Tralvin: Filed 1/8/20
Cawthon, Adrian: Filed 11/6/19
Dees, Christopher: Filed 10/2/19
Essix, Reginald: 10/22/19
Nunnaly, Trevin: Filed 8/20/19
Webb, Michael: Filed 8/27/19

Hegwood

Coachman, Julius: Filed 9/4/19
Gardner, Lavell: Filed 11/13/19

Intellectual Disability

Bolware, Jonathan: Filed 5/10/19

Must Consider 3553(a) Factors

Gardner, Lavell: Filed 11/13/19

North Florida Sentencing Practices

Fluker, Bobby: Filed 2/11/20

Post-Sentence Conduct

Breland, Thomas: Filed 11/8/19
Daniels, Hernandez: Filed 1/15/20

Hall Robert: Filed 10/25/19
Neal, Paul: Filed 9/24/19
Roulhac, Ricky: Filed 10/11/19
Sharpe, Frank: Filed 4/1/20

Purpose of Fair Sentencing Act

Brown, Corey: Filed 8/9/19
Oliver, Anthony: Filed 9/19/19
Sessions, Jerome: Filed 8/20/19

Quantity

Bethel, Tralvin: Filed 1/8/20
Daniels, Hernandez: Filed 1/15/20.
Sharpe, Frank: Filed 4/1/20 (includes cites to decisions by Stafford, Collier, and Rodgers)
Smith, Solomon: Filed: 1/7/20.

Recency Points

Johnson, Alonzo: Filed 9/12/19
Juarez, Daniel: Filed 9/30/19
Tinsley, Raphael: Filed 10/29/19

Reduction in Recidivism Due to Age

Breland, Thomas: Filed 11/8/19
Jones, Jonathan: Filed 4/24/19
Owens, Christopher: Filed 6/25/19

Reference to Life Sentence Destroying Hope

Blankenship, Michael: Filed 11/13/19
Brown, Corey: Filed 8/9/19
Cawthon, Adrian: Filed 11/6/19.
Phillips, Warren: Filed 11/13/19

Rely on Current Guidelines?

Bolware, Jonathan: Filed 5/10/19
Coachman, Julius: Filed 9/4/19.
Cawthon, Adrian: Filed 11/6/19
Dugan, Dewayne: Filed 10/30/19
Gardner, Lavell: Filed 11/13/19
Gospidon, Gangsta: Filed 7/24/19

Hall Robert: Filed 10/25/19
Johnson, Alonzo: Filed 9/12/19
Roulhac, Ricky: Filed 10/11/19
Thercy, Jeffrey: Filed 10/24/19
Tinsley, Raphael: Filed 10/29/19

Relevant Conduct

Hills, Lavar: Filed 5/24/19
Green, Marco: Filed 11/25/19

Sentenced Determined by Firearm Guideline (2K2.1)

Gardner, Lavell: Filed 11/13/19

Sentencing Package

McGriff, Dock: Filed 11/11/19
Robinson, Gregory: Filed 9/19/19
Sharpe, Frank: Filed 4/1/20 (Not in pleading, but research is in folder)
Gardner, Lavell: Filed 11/13/19

Serious Drug Felony

Dees, Christopher: Filed 10/2/19
Denson, Tony: Filed 4/11/19

Shortcomings of Career Offender Guideline

Bolware, Jonathan: Filed 5/10/19
Cawthon, Adrian: Filed 11/6/19
Hall Robert: Filed 10/25/19
Jones, Jonathan: Filed 4/24/19
McGriff, Dock: Filed 11/11/19
Neal, Paul: Filed 9/24/19
Oliver, Anthony: Filed 8/19/19
Robinson, Gregory; Filed 9/19/10 (included Hinkle quote) (criticizes use of offenses committed by youth)
Sessions, Jerome: Filed 8/20/19
Tinsley, Raphael: Filed 10/29/19 (Quote from Judge Hinkle)
Webb, Michael: Filed 8/27/19

Stacked 924(c) Sentences

Smith, Bruce: Supplemental filed: 1/30/20.

Substantial Assistance Motion

Johnson, Alonzo: Filed 9/12/19

Roulhac, Ricky: Filed 10/11/19

Webb, Michael: Filed 8/27/19

Two Steps

Phillips, Sylvester: Filed 8/23/19

Would Not Qualify Today for Career Offender

Johnson, Alonzo: Filed 9/12/19

Would Not Qualify Today for 851 Enhancement

Johnson, Alonzo: Filed 9/12/19