

Opinions for the week of March 8 – March 12, 2021

Precedential

USA v. Trent Slone No. 20-2721

Argued March 3, 2021 — Decided March 10, 2021

Case Type: Criminal

Northern District of Indiana, South Bend Division. No. 3:20CR007-001 — **Jon E. DeGuilio**, *Chief Judge*.
Before MANION, WOOD, and ST. EVE, *Circuit Judges*.

MANION, *Circuit Judge*. After federal agents discovered guns and drugs in a basement apartment where Trent Slone recently lived, a jury found him guilty of possessing firearms as a felon but acquitted him of possessing methamphetamine with intent to distribute. In calculating Slone's imprisonment range under the Sentencing Guidelines, the district court applied a four-level enhancement under U.S.S.G. § 2K2.1(b)(6)(B) for possessing the firearms "in connection with another felony offense," namely, drug trafficking. Slone appeals his sentence, arguing that the court erred by applying the enhancement because he was acquitted on the drug charge and no evidence supports the conclusion that his firearms facilitated drug trafficking. Because the district court did not clearly err in finding that there was a connection, and the court emphasized that it would impose the same sentence regardless of the guidelines range, we affirm.

USA v. Rita Law No. 19-2345

Submitted October 28, 2020 — Decided March 11, 2021

Case Type: Criminal

Northern District of Indiana, Hammond Division. No. 2:14-cr-00004 — **Joseph S. Van Bokkelen**, *Judge*.
Before RIPPLE, WOOD, and BRENNAN, *Circuit Judges*.

BRENNAN, *Circuit Judge*. A jury convicted Rita Law of sex trafficking which the district court described as "a modern-day form of slavery." On appeal, Law challenges several evidentiary rulings at trial, the sufficiency of the evidence for her convictions, and her sentence of 360 months' imprisonment. We find no errors by the district court, so we affirm.

Nonprecedential

USA v. Robert Jenkins No. 20-1529

Submitted March 9, 2021 — Decided March 9, 2021

Case Type: Criminal

Southern District of Indiana, New Albany Division. No. 4:15-cr-00016-SEB-VTW-1 — **Sarah Evans Barker**, *Judge*.

Before JOEL M. FLAUM, *Circuit Judge*; ILANA DIAMOND ROVNER, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Robert Jenkins pleaded guilty to producing child pornography, 18 U.S.C. § 2251(a), and received a sentence of 336 months' imprisonment and 10 years of supervised release. Because he expressly waived his right to appeal in his plea agreement, his trial counsel declined to file a notice of appeal. Jenkins later attacked his conviction and sentence under 18 U.S.C. § 2255, arguing (among other things) that his counsel was ineffective for refusing to file a notice of appeal. After the Supreme Court's intervening decision in *Garza v. Idaho*, 139 S. Ct. 739 (2019) validated that argument, we remanded, and the district court reentered judgment to allow for a timely direct appeal. *See Order, Jenkins v. United States*, No. 18-3083 (7th Cir. Dec. 16, 2019). Jenkins now appeals, but his appointed counsel asserts that the appeal is frivolous and seeks to withdraw... Therefore, we GRANT counsel's motion to withdraw and DISMISS the appeal.

USA v. Angela Stahl No. 20-2518

Submitted March 3, 2021 — Decided March 10, 2021

Case Type: Criminal

Southern District of Illinois. No. 4:17-CR-40066-JPG-1 — **J. Phil Gilbert**, *Judge*.

Before DANIEL A. MANION, *Circuit Judge*; DIANE P. WOOD, *Circuit Judge*; AMY J. ST. EVE, *Circuit Judge*.

ORDER

Angela Stahl served a 14-month sentence on a conviction for fraud and identity theft, and then repeatedly violated the terms of her supervised release. Those violations led to three revocations and three more prison terms. Its patience at an end after the third revocation, the district court imposed a final sentence of 24 months in prison with no further supervision. The combined total of Stahl's initial and revocation prison terms was 61 months—greater than the high end (41 months) of her original, advisory guidelines range. Stahl argues that this combined sentence violates her right to a jury trial under *Apprendi v. New Jersey*, 530 U.S. 466 (2000). In her view, it exceeds the maximum sentence that would have been “legally permissible” in her original proceeding. Because *Apprendi* does not apply to this revocation proceeding and she is mistaken about the permissible cap, we affirm.

USA v. Miles Musgraves No. 20-2702

Submitted March 12, 2021 — Decided March 12, 2021

Case Type: Criminal

Southern District of Illinois. No. 13-CR-30276-NJR-1 — **Nancy J. Rosenstengel**, *Chief Judge*.

Before WILLIAM J. BAUER, *Circuit Judge*; MICHAEL S. KANNE, *Circuit Judge*; MICHAEL Y. SCUDDER, *Circuit Judge*.

ORDER

Miles Musgraves, a federal inmate with various medical conditions, moved for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i) based on the COVID-19 pandemic and alleged errors in the investigation leading to his criminal conviction and in his sentence. The district court denied his request, concluding that he had failed to show “compelling reasons” and that he would pose a threat to the public if released. The district court did not abuse its discretion in denying the motion, so we affirm.

The summaries are compiled using the text of the opinions. No editorial comment is added. For back issues or to send a comment, please contact [Barbara Fritschel](#).