

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Kojak Batiste

No. 19-30927, United States Court of Appeals for the Fifth Circuit (November 13, 2020)

SUMMARY

The Fifth Circuit affirmed the denial of a sentence reduction under Section 404 of the First Step Act for a crack cocaine conviction, holding that the district court did not abuse its discretion in re-imposing a 262-month sentence where the career-offender guidelines range remained unchanged and the court considered the § 3553(a) factors and post-sentencing conduct. The court reaffirmed that *Hegwood* limits resentencing to changes mandated by the Fair Sentencing Act—excluding alterations to career-offender status—and that district courts are not required but may consider post-sentencing conduct or § 3553(a) factors. However, because the district court’s order did not address the defendant’s request for a reduction in his supervised-release term from 10 years to the current 8-year minimum, the case was remanded for consideration of that issue.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Kurt D. Engelhardt; James E. Graves, Jr.; Gregg Costa
JURISDICTION	Federal
DECIDED	November 13, 2020
DOCKET	19-30927
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the district court's denial of a motion for sentence reduction under § 404 of the First Step Act of 2018.
STANDARD OF REVIEW	Abuse of discretion for the district court's discretionary decision; de novo for statutory interpretation.
PRECEDENTIAL VALUE	Published
PARTIES	Kojak Batiste v. United States of America

TOPICS

- criminal procedure
- sentencing
- statutory interpretation
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court misinterpreted Hegwood as precluding consideration of § 3553(a) factors or preventing a downward variance from the unchanged guidelines range.
2. Whether the district court provided an adequate explanation for its decision.
3. Whether the re-imposed 262-month sentence was substantively unreasonable.
4. Whether the district court should have recalculated the guidelines range based on current non-career offender status (foreclosed by Hegwood).

HOLDINGS

1. The district court did not misinterpret Hegwood; it properly exercised its discretion and considered the § 3553(a) factors, and no abuse of discretion occurred.
2. The district court's explanation was adequate regarding the imprisonment term, but it did not address the supervised release request, so that part is remanded.
3. Substantive reasonableness review does not apply in First Step Act proceedings; the district court did not abuse its discretion.
4. Foreclosed by Hegwood; the district court correctly applied the unchanged career offender status.

KEY QUOTATIONS

“The district court decides on a new sentence by placing itself in the time frame of the original sentencing, altering the relevant legal landscape only by the changes mandated by the 2010 Fair Sentencing Act.” (at 8)

“Accordingly, the court, heeding the rule announced in Hegwood, does not engage in a plenary resentencing, but considers this sentence as if section two of the Fair Sentencing Act of 2010 was in effect at the time of Batiste's offense, providing a 120 month statutory minimum for his crime.” (at 18)

“We have never held that courts cannot grant relief under the First Step Act where the Sentencing Guidelines imprisonment range remains unchanged and the original sentence is within that range.” (at 20)

FACTUAL BACKGROUND

Batiste was convicted in 2007 of distributing 50 grams or more of cocaine base, triggering a 20-year mandatory minimum due to a prior conviction enhancement. He was sentenced as a career offender under U.S.S.G. § 4B1.1 to a 262-month sentence (bottom of guidelines) and 10 years of supervised release. The Fair Sentencing Act later reduced the statutory minimum to 10 years, and the First Step Act made that reduction retroactive. Batiste sought a reduction to 120 months or time served, citing post-sentencing conduct and § 3553(a) factors.

PROCEDURAL HISTORY

Batiste pleaded guilty in 2007 to distributing 50 grams or more of cocaine base, was sentenced as a career offender to 262 months imprisonment and 10 years supervised release. In 2019, he filed a pro se motion under

the First Step Act. The district court denied the motion, and Batiste appealed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

Remand for the district court to consider and dispose of Batiste's request for reduction of his term of supervised release.

CASES CITED

- United States v. Stewart, 964 F.3d 433 (5th Cir. 2020)
- United States v. Jackson, 945 F.3d 315 (5th Cir. 2019)
- United States v. Hegwood, 934 F.3d 414 (5th Cir. 2019)
- United States v. Garcia, 693 F.2d 412 (5th Cir. 1982)
- United States v. Larry, 632 F.3d 933 (5th Cir. 2011)
- Dorsey v. United States, 567 U.S. 260 (2012)
- United States v. Tanksley, 848 F.3d 347 (5th Cir. 2017)
- Mathis v. United States, 136 S. Ct. 2243 (2016)
- Dillon v. United States, 560 U.S. 817 (2010)
- United States v. Carr, 823 F. App'x 252 (5th Cir. 2020)
- United States v. Evans, 587 F.3d 667 (5th Cir. 2009)
- United States v. Booker, 543 U.S. 220 (2005)
- Johnson v. United States, 135 S. Ct. 2551 (2015)
- United States v. Quintanilla, 868 F.3d 315 (5th Cir. 2017)