

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. McAdory

501 F.3d 868 (8th Cir. 2007) · No. No. 06-2128 · Decided September 6, 2007

SUMMARY

The Eighth Circuit affirmed Carlos Lattrell McAdory's convictions and consecutive life sentences arising from nine armed bar robberies. The court held that sufficient evidence supported the Hobbs Act interstate-commerce nexus and conspiracy conviction, that McAdory waived his Speedy Trial Act claim by failing to move for dismissal before trial, and that his ineffective-assistance claims should be pursued without prejudice in collateral proceedings.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	Wollman, Circuit Judge; Loken, Chief Judge; John R. Gibson, Circuit Judge
JURISDICTION	Federal
DECIDED	September 6, 2007
DOCKET	No. 06-2128
DISPOSITION	affirmed
PROCEDURAL POSTURE	McAdory appealed his federal convictions and multiple consecutive life sentences after a jury trial, challenging the sufficiency of the evidence, alleged Speedy Trial Act violations, and ineffective assistance of trial counsel.
STANDARD OF REVIEW	Sufficiency-of-the-evidence challenges are reviewed de novo, viewing the evidence in the light most favorable to the government, resolving evidentiary conflicts in the government's favor, and accepting reasonable inferences supporting the jury's verdict. Ineffective-assistance claims are ordinarily deferred to proceedings under 28 U.S.C. § 2255.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Carlos Lattrell McAdory v. United States of America

TOPICS

criminal procedure

conspiracy

speedy trial

ineffective assistance

appellate procedure

PRACTICE AREAS

Federal criminal law

Criminal procedure

Appellate procedure

Evidence sufficiency

Post-conviction relief

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to establish that the bar robberies affected interstate commerce for purposes of the Hobbs Act.
2. Whether the evidence was sufficient to establish that McAdory participated in a conspiracy to commit the robberies.
3. Whether McAdory's Speedy Trial Act claim could be considered when he failed to move for dismissal before trial.
4. Whether the court should decide McAdory's ineffective-assistance-of-trial-counsel claim on direct appeal.

HOLDINGS

1. The evidence was sufficient to establish the required interstate-commerce nexus because the bars dealt in goods moving through interstate commerce, including out-of-state beer, and the robberies caused insurance and business effects connected to interstate commerce.
2. The evidence was sufficient to support McAdory's conspiracy conviction.
3. McAdory waived his right to seek dismissal under the Speedy Trial Act because he failed to move for dismissal before trial.
4. The ineffective-assistance claim was rejected without prejudice because the record required further factual development and the claim was more appropriately raised in a 28 U.S.C. § 2255 proceeding.

KEY QUOTATIONS

"We "review a challenge to the sufficiency of the evidence de novo and view the evidence in the light most favorable to the government, resolving evidentiary conflicts in favor of the government, and accepting all reasonable inferences drawn from the evidence that supports the jury's verdict." (501 F.3d at 871)

"We will not reach the merits of McAdory's Speedy Trial Act claim, however, because he waived his right to assert it by failing to move for dismissal before trial." (501 F.3d at 872)

"Because justice does not beckon us to rule on some of his allegations now while leaving the remainder to future proceedings, we reject his ineffective assistance of trial counsel claim without prejudice." (501 F.3d at 872-73)

FACTUAL BACKGROUND

Between December 30, 2002, and May 23, 2004, McAdory participated in nine armed robberies of eight bars in the Minneapolis-St. Paul area. He committed seven robberies with various accomplices and two alone; the group

robberies involved preparation, assigned roles, coordinated conduct, and division of the proceeds. The bars sold out-of-state beer, were insured by out-of-state insurers, and generally submitted claims and received reimbursement after the robberies.

PROCEDURAL HISTORY

McAdory was arrested on a federal complaint on June 4, 2004. A magistrate judge granted a joint motion for a thirty-day preindictment delay, and a grand jury later returned an indictment followed by a third superseding indictment charging nine robberies. After a jury convicted him, the district court imposed multiple consecutive life sentences. The Eighth Circuit affirmed the judgment, declining to reach the merits of the Speedy Trial Act claim because it was waived and rejecting the ineffective-assistance claim without prejudice to collateral proceedings.

DISPOSITION

affirmed

CASES CITED

- United States v. Flores, 474 F.3d 1100, 1105 (8th Cir. 2007)
- United States v. Dobbs, 449 F.3d 904, 907, 912 (8th Cir. 2006)
- United States v. Williams, 308 F.3d 833, 839 (8th Cir. 2002)
- United States v. Hakim, 491 F.3d 843, 845-46 (8th Cir. 2007)
- United States v. Winston, 456 F.3d 861, 866 (8th Cir. 2006)
- United States v. McFarland, 116 F.3d 316, 318 (8th Cir. 1997)
- United States v. Hughes, 330 F.3d 1068, 1069 (8th Cir. 2003)
- United States v. Tracy, 989 F.2d 1279, 1286 (1st Cir. 1993)
- United States v. Lanier, 578 F.2d 1246, 1251 (8th Cir. 1978)