

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

United States v. Coplin-Benjamin

No. 21-1737 (1st Cir. Aug. 21, 2023) · No. No. 21-1737 · Decided August 21, 2023

SUMMARY

The First Circuit affirmed Bernardo Coplin-Benjamin's 262-month sentence for conspiracy to possess with intent to distribute and conspiracy to import a controlled substance. The court held that the district court properly applied a leadership enhancement, considered Coplin's cooperation with the government, and imposed a substantively reasonable sentence despite disparities with certain co-defendants.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Howard, Circuit Judge; Kayatta, Circuit Judge; Thompson, Circuit Judge
JURISDICTION	Federal
DECIDED	August 21, 2023
DOCKET	No. 21-1737
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction and a 262-month sentence imposed after a straight guilty plea to conspiracy to possess with intent to distribute a controlled substance and conspiracy to import a controlled substance.
STANDARD OF REVIEW	The First Circuit reviewed the leadership enhancement and predicate factual findings for clear error; preserved procedural sentencing claims for abuse of discretion; and preserved substantive-reasonableness claims for abuse of discretion.
PRECEDENTIAL VALUE	Published First Circuit opinion; precedential federal appellate authority.
PARTIES	Bernardo Coplin-Benjamin v. United States of America

TOPICS

- sentencing guidelines
- sentencing
- appellate procedure
- standard of review
- criminal procedure

PRACTICE AREAS

criminal sentencing

federal sentencing guidelines

appellate criminal procedure

QUESTIONS PRESENTED

1. Whether the district court clearly erred by applying a four-level U.S.S.G. § 3B1.1(a) enhancement for Coplin-Benjamin's role as an organizer or leader rather than a three-level enhancement for a manager or supervisor.
2. Whether the district court procedurally erred by failing to consider Coplin-Benjamin's cooperation with the government under 18 U.S.C. § 3553.
3. Whether Coplin-Benjamin's 262-month sentence was substantively unreasonable because it exceeded the sentences imposed on two coconspirators.

HOLDINGS

1. The district court did not clearly err in finding that Coplin-Benjamin was an organizer or leader and applying the four-level enhancement for criminal activity involving five or more participants.
2. The district court did not commit procedural sentencing error by declining to award a cooperation-based reduction or by not expressly discussing cooperation in its sentencing explanation.
3. The 262-month sentence was not substantively unreasonable based on its disparity with the sentences of two coconspirators.

KEY QUOTATIONS

"For the enhancement to apply, the defendant "must have led or organized at least one other criminal actor -- and not just a criminal activity -- on at least one occasion."" (7)

"But the Sentencing Guidelines and our case law make clear that the existence of another leader -- even one superior to Coplin in the scheme's hierarchy -- does not foreclose the possibility of Coplin also acting as a leader." (9-10)

"To establish a well-founded claim of sentencing disparity, a defendant must "compare apples to apples."" (12-13)

FACTUAL BACKGROUND

Federal agents seized approximately 132 kilograms of cocaine from the vessel Black Wolfpack and discovered WhatsApp messages linking Coplin-Benjamin to the drug-trafficking venture. Trial testimony from a coconspirator described Coplin as initiating plans to purchase vessels, directing trips, planning with coconspirators, supplying funds and expenses, and paying participants. The district court classified him as a leader of criminal activity involving five or more participants, resulting in a four-level enhancement and a guideline range of 262 to 327 months.

PROCEDURAL HISTORY

Coplin-Benjamin pleaded guilty without a plea agreement on August 8, 2019, to violations of 21 U.S.C. §§ 846 and 963. The district court rejected his objection to a four-level leadership enhancement, declined to reduce his sentence based on cooperation, and sentenced him to 262 months, the low end of the applicable guideline range. The First Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Rivera-González, 776 F.3d 45, 47 (1st Cir. 2015)
- United States v. Dávila-González, 595 F.3d 42, 45 (1st Cir. 2010)
- United States v. McKinney, 5 F.4th 104, 107 (1st Cir. 2021)
- United States v. Ilarraza, 963 F.3d 1, 7 (1st Cir. 2020)
- United States v. Laureano-Pérez, 797 F.3d 45, 80 (1st Cir. 2015)
- United States v. Leoner-Aguirre, United States v. Leoner-Aguirre, 939 F.3d 310, 319 (1st Cir. 2019)
- United States v. Ahmed, 51 F.4th 12, 28 (1st Cir. 2022)
- United States v. Appolon, 695 F.3d 44, 70 (1st Cir. 2012)
- United States v. Meléndez-Rivera, 782 F.3d 26, 29 (1st Cir. 2015)
- United States v. Graciani, 61 F.3d 70, 75 (1st Cir. 1995)
- United States v. Hernández, 964 F.3d 95, 101-05 (1st Cir. 2020)
- United States v. Rivera, 51 F.4th 47, 52 (1st Cir. 2022)
- United States v. Tejada-Beltran, 50 F.3d 105, 111 (1st Cir. 1995)
- United States v. Casas, 356 F.3d 104, 129 (1st Cir. 2004)
- United States v. Vilorio-Sepulveda, 921 F.3d 5, 8 (1st Cir. 2019)
- Gall v. United States, 552 U.S. 38, 55 (2007)
- United States v. Landrón-Class, 696 F.3d 62, 77-78 (1st Cir. 2012)
- United States v. Turbides-Leonardo, 468 F.3d 34, 40-41 (1st Cir. 2006)
- United States v. Dixon, 449 F.3d 194, 205 (1st Cir. 2006)
- United States v. Díaz-Lugo, 963 F.3d 145, 152 (1st Cir. 2020)
- United States v. Lozada-Aponte, 689 F.3d 791, 793 (1st Cir. 2012)
- United States v. Reyes-Santiago, 804 F.3d 453, 467 (1st Cir. 2015)
- United States v. Rivera-Gonzalez, 626 F.3d 639, 648 (1st Cir. 2010)
- United States v. Reverol-Rivera, 778 F.3d 363, 366 (1st Cir. 2015)
- United States v. Demers, 842 F.3d 8, 15 (1st Cir. 2016)
- United States v. Rivera-Maldonado, 194 F.3d 224, 236 (1st Cir. 1999)
- United States v. Zannino, 895 F.2d 1, 17 (1st Cir. 1990)

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