

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

United States v. Maldonado

No. No. 19-1525, United States Court of Appeals for the First Circuit (February 18, 2021)

SUMMARY

The First Circuit held that a Massachusetts conviction for armed assault with intent to murder qualifies as a "crime of violence" under USSG §4B1.2(a) even if based on a joint venture theory, because Application Note 1 properly includes aiding and abetting within the definition and Massachusetts joint venture liability requires the same mens rea as aiding and abetting. The court rejected the defendant's argument that the commentary impermissibly expanded the guideline, and concluded that the district court erred in declining to apply the career-offender enhancement under §4B1.1(a). The case was remanded for resentencing consistent with this ruling.

CASE DETAILS

COURT	United States Court of Appeals for the First Circuit
WRITING FOR THE COURT	Kayatta; Lynch; Thompson
JURISDICTION	Federal
DECIDED	February 18, 2021
DOCKET	No. 19-1525
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from the United States District Court for the District of Massachusetts, after the district court rejected the government's career-offender enhancement argument and sentenced Maldonado to 30 months imprisonment.
STANDARD OF REVIEW	de novo
PRECEDENTIAL VALUE	Published
PARTIES	United States v. Carlos Maldonado

TOPICS

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

PRACTICE AREAS

- criminal law
- sentencing

QUESTIONS PRESENTED

1. Whether the definition of 'crime of violence' under U.S.S.G. §4B1.2(a) includes aiding and abetting, as stated in Application Note 1.
2. Whether Massachusetts joint venture liability as it stood in 2007 requires a mens rea different from the aiding and abetting liability referred to in Application Note 1, such that a conviction under a joint venture theory does not qualify as a crime of violence.

HOLDINGS

1. The definition of 'crime of violence' under §4B1.2(a) includes aiding and abetting as listed in Application Note 1.
2. Massachusetts joint venture liability requires the same mens rea as aiding and abetting, so a conviction under a joint venture theory qualifies as a crime of violence.

FACTUAL BACKGROUND

Defendant Carlos Maldonado pleaded guilty in 2018 to charges of distributing and possessing with intent to distribute cocaine. He had a prior conviction under Massachusetts law for armed assault with intent to murder, which may have been based on a joint venture theory. The district court determined that the prior conviction did not qualify as a crime of violence under the career-offender guideline, and thus calculated a lower Guidelines range.

PROCEDURAL HISTORY

The district court calculated a Guidelines sentencing range of 15–21 months, rejecting the career-offender designation, and sentenced Maldonado to 30 months imprisonment. The government appealed.

DISPOSITION

vacated

REMAND INSTRUCTIONS

Resentence in accordance with the opinion, recalculating the Guidelines sentencing range with the career-offender enhancement, but otherwise with full discretion.

CASES CITED

- United States v. Lewis, 963 F.3d 16 (1st Cir. 2020)
- United States v. Capelton, 966 F.3d 1 (1st Cir. 2020)
- United States v. Nieves-Borrero, 856 F.3d 5, 9 (1st Cir. 2017)
- United States v. Piper, 35 F.3d 611, 617–19 (1st Cir. 1994)
- United States v. Fiore, 983 F.2d 1, 2–4 (1st Cir. 1992)

