

DISTRICT OF COLUMBIA COURT OF APPEALS

John Larracuente v. United States

211 A.3d 1140 (D.C. 2019) · No. 18-CO-308 · Decided July 11, 2019

SUMMARY

The District of Columbia Court of Appeals affirmed the denial of John Larracuente’s motion to seal records relating to his marijuana possession-with-intent-to-distribute conviction. The court held that eligibility under the District’s record-sealing statute requires a case-specific analysis of whether the underlying conduct was decriminalized, rather than a categorical analysis based solely on the offense of conviction. Because the record supported a finding that Larracuente possessed more than two ounces of non-home-grown marijuana, and because discretionary sealing did not extend to still-criminal conduct, the court also upheld denial without a hearing.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Thompson, Associate Judge; Glickman, Associate Judge; Washington, Senior Judge
JURISDICTION	District of Columbia
DECIDED	July 11, 2019
DOCKET	18-CO-308
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Superior Court of the District of Columbia’s denial, without a hearing, of Larracuente’s motion under D.C. Code § 16-803.02 to seal records relating to his marijuana-possession-with-intent-to-distribute conviction.
STANDARD OF REVIEW	Statutory interpretation is reviewed de novo. The denial of a motion to seal without a hearing is reviewed for abuse of discretion, and factual findings related to the motion are reviewed for clear error.
PRECEDENTIAL VALUE	Published precedent
PARTIES	John Larracuente v. United States

TOPICS

- statutory interpretation
- legislative intent
- post-conviction relief
- appellate procedure
- remedies

PRACTICE AREAS

criminal procedure

post-conviction relief

statutory interpretation

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether D.C. Code § 16-803.02 requires a categorical approach or a case-specific-facts approach to determine whether conduct underlying a criminal record was decriminalized or legalized.
2. Whether the government met its burden of proving by a preponderance of the evidence that Larracuenté's marijuana possession was not decriminalized.
3. Whether D.C. Code § 16-803.02(a)(2) permits discretionary record-sealing in the interest of justice for conduct that remains criminal or illegal.
4. Whether the Superior Court abused its discretion or denied due process by denying the sealing motion without a hearing.

HOLDINGS

1. The record-sealing statute requires a case-specific-facts approach rather than a categorical approach focused only on the least culpable conduct satisfying the elements of the offense.
2. The government met its burden of proving by a preponderance of the evidence that Larracuenté possessed a quantity of marijuana exceeding the amount decriminalized under D.C. Code § 48-904.01(a)(1).
3. D.C. Code § 16-803.02(a)(2) does not authorize the Superior Court to seal records pertaining to conduct that remains criminal or illegal.
4. The Superior Court did not abuse its discretion or deny due process by denying the motion without a hearing.

KEY QUOTATIONS

“We conclude that the categorical approach cannot be squared with the language of § 16-803.02(a)(1), as explicated by the legislative history.” (211 A.3d at 1147-48)

“§ 16-803.02(a)(2) does not give the Superior Court discretion to seal case records pertaining to still-criminal or still-illegal offenses.” (211 A.3d at 1151-52)

“Accordingly, as it “plainly appear[ed] from the face of the motion, . . . exhibits, . . . documents, and the record of [the] prior proceeding[.]” that appellant was not eligible for relief, the Superior Court acted within its discretion in denying the motion to seal without a hearing.” (211 A.3d at 1153)

FACTUAL BACKGROUND

Larracuenté pleaded guilty to possession with intent to distribute marijuana after police seized marijuana from his apartment pursuant to a search warrant. The record included varying measurements, but the plea allocution, DEA chemical-analysis report, and police Gerstein affidavit indicated that he possessed substantially more than

two ounces of marijuana. The record contained no evidence that the marijuana was produced by cannabis plants lawfully grown in the apartment.

PROCEDURAL HISTORY

Larracuenté pleaded guilty to possession with intent to distribute marijuana in Superior Court Case No. 2013-CF2-16339. After the District of Columbia decriminalized or legalized certain marijuana-related conduct, he moved to seal the criminal records. The Superior Court denied the motion without a hearing, finding that the government proved by a preponderance of the evidence that he possessed more than the decriminalized amount and that discretionary sealing was unavailable for still-criminal conduct. The District of Columbia Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Washington v. United States, 206 A.3d 864, 868-69 (D.C. 2019)
- Moncrieffe v. Holder, 569 U.S. 184, 190-91 (2013)
- Descamps v. United States, 570 U.S. 254, 270 (2013)
- Taylor v. United States, 495 U.S. 575, 601 (1990)
- Peterson v. United States, 997 A.2d 682, 683-84 (D.C. 2010)
- Pixley v. United States, 692 A.2d 438, 440 (D.C. 1997)
- Aboye v. United States, 121 A.3d 1245, 1249 (D.C. 2015)
- V.C.B. v. United States, 37 A.3d 286, 290 (D.C. 2012)
- White v. United States, 582 A.2d 1199, 1201 (D.C. 1990)
- Sepulveda-Hambor v. District of Columbia, 885 A.2d 303, 306-07 (D.C. 2005)

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