

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

United States v. Lomax

220 F. App'x 84 (3d Cir. 2007) · No. 06-1139 · Decided March 22, 2007

SUMMARY

The United States Court of Appeals for the Third Circuit reviewed Carlos L. Lomax's challenge to a 24-month sentence imposed after revocation of supervised release. The court held that the district court meaningfully considered the factors under 18 U.S.C. § 3553(a), properly considered the advisory Chapter 7 Guidelines, and imposed a reasonable sentence within the statutory maximum. The court affirmed the judgment.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Lourie, Circuit Judge; Fuentes, Circuit Judge; Greenberg, Circuit Judge
JURISDICTION	Federal
DECIDED	March 22, 2007
DOCKET	06-1139
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lomax appealed from the Western District of Pennsylvania's revocation of his supervised release and imposition of a twenty-four-month prison sentence.
STANDARD OF REVIEW	The sentence was reviewed for reasonableness. The court also required the record to demonstrate that the district court gave meaningful consideration to the 18 U.S.C. § 3553(a) factors.
PRECEDENTIAL VALUE	Non-precedential unpublished opinion
PARTIES	Carlos L. Lomax v. United States of America

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QUESTIONS PRESENTED

1. Whether the district court's twenty-four-month sentence for supervised-release violations was unreasonable because it exceeded the advisory Chapter 7 Guidelines range.
2. Whether the district court meaningfully considered the sentencing factors under 18 U.S.C. § 3553(a) without expressly discussing each factor.

HOLDINGS

1. A district court need not expressly identify and address each § 3553(a) factor when the record makes clear that it meaningfully considered the relevant factors.
2. The twenty-four-month sentence was not unreasonable even though it exceeded the advisory seven-to-thirteen-month Chapter 7 range, because it was authorized by 18 U.S.C. § 3583(e)(3), was based on meaningful consideration of § 3553(a), and accounted for the seriousness of the violations and Lomax's criminal history.

KEY QUOTATIONS

“We have stated that there is no need, however, for the trial court to “discuss and make findings as to each of the § 3553(a) factors if the record makes clear that the court took the factors into account in sentencing.””
(220 F. App'x at 86)

“Because the Court was permitted to take those factors into account in determining Lomax’s sentence, and did so, we do not find its decision to go beyond the advisory range to twenty-four months of imprisonment unreasonable under the circumstances.” (220 F. App'x at 87)

FACTUAL BACKGROUND

Lomax was serving a term of supervised release after convictions involving unauthorized access devices. During the supervised-release period, he failed to make required restitution and monthly reports, failed to report as directed, failed to return to Pittsburgh after relocation requests were denied, and failed to keep the probation officer informed of his location. The district court classified the conduct as a Grade C violation, considered the advisory Chapter 7 range of seven to thirteen months, and imposed twenty-four months based on the seriousness of the violations and Lomax's criminal history.

PROCEDURAL HISTORY

Lomax pleaded guilty to trafficking in and using unauthorized access devices and received imprisonment followed by supervised release. After multiple supervised-release violations, including failure to pay restitution, report as directed, submit monthly reports, return to Pittsburgh, and keep his location known, the district court revoked supervised release and imposed twenty-four months of imprisonment. The Third Circuit reviewed the sentence for reasonableness and affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Booker, 543 U.S. 220, 261-62 (2005)
- United States v. Cooper, 437 F.3d 324, 329 (3d Cir. 2006)

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