

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

United States v. Estela

No. No. 17-3856-cr, United States Court of Appeals for the Second Circuit (October 31, 2019)

SUMMARY

The Second Circuit affirmed Luis Estela's conviction for conspiracy to distribute heroin (21 U.S.C. § 846) and his 51-month sentence. The court upheld the denial of his suppression motion, deferring to the district court's credibility finding that he received and waived Miranda warnings before making post-arrest statements. It also rejected challenges to the jury instructions, sufficiency of the evidence, denial of a new trial, and the procedural and substantive reasonableness of his sentence, finding no error or abuse of discretion.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Robert A. Katzmann; Christopher F. Droney; Jeffrey Alker Meyer
JURISDICTION	Federal
DECIDED	October 31, 2019
DOCKET	No. 17-3856-cr
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment of conviction and orders denying suppression, acquittal, and new trial
STANDARD OF REVIEW	Suppression motion: findings of fact for clear error, questions of law and mixed questions de novo. Jury instruction challenge: de novo, but reversal only if prejudicial. Rule 29 motion: de novo. Rule 33 motion: abuse of discretion. Sentence: procedural reasonableness de novo (but clear error for factual findings), substantive reasonableness for abuse of discretion.
PRECEDENTIAL VALUE	Unpublished
PARTIES	Luis Estela v. United States of America

TOPICS

criminal procedure

conspiracy

fifth amendment

sentencing

evidence

PRACTICE AREAS

Criminal Law

QUESTIONS PRESENTED

1. Whether the district court erred in denying the motion to suppress post-arrest statements based on an alleged lack of Miranda warnings.
2. Whether the district court erred in declining to give the proposed jury instruction on circumstantial evidence.
3. Whether the district court erred in denying the Rule 29 motion for judgment of acquittal based on insufficient evidence.
4. Whether the district court abused its discretion in denying the Rule 33 motion for a new trial.
5. Whether the sentence was procedurally or substantively unreasonable.

HOLDINGS

1. The district court did not err in denying the motion to suppress because the district court's credibility finding that Estela received Miranda warnings and knowingly and voluntarily waived his rights was not clearly erroneous.
2. The district court did not err in declining to give the proposed instruction because the instruction did not accurately represent the law, and the charge as a whole properly instructed the jury on the burden of proof and circumstantial evidence.
3. The district court properly denied the motion because the evidence was sufficient to support the conviction; any rational trier of fact could have found the essential elements beyond a reasonable doubt.
4. The district court did not abuse its discretion in denying the motion for a new trial because there was no manifest injustice; the evidence was substantial, and the brevity of jury deliberation did not indicate error.
5. The sentence was both procedurally and substantively reasonable. The district court had a sufficient factual basis for the drug quantity calculation, and the bottom-of-guidelines sentence was not an abuse of discretion.

KEY QUOTATIONS

“he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed”

“during a custodial interrogation is inadmissible at trial unless the prosecution can establish that the accused in fact knowingly and voluntarily waived Miranda rights when making the statement”

“any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt”

“The defendant bears the burden of showing that the requested instruction accurately represented the law in every respect and that, viewing as a whole the charge actually given, he was prejudiced.”

“Brief deliberation, by itself, does not show that the jury failed to give full, conscientious or impartial consideration to the evidence.”

FACTUAL BACKGROUND

Estela was convicted of conspiracy to distribute heroin as part of a drug trafficking organization. Four co-conspirators testified that they observed Estela packaging heroin or receiving heroin, and heard from Estela that he acted as a lookout during heroin sales. One law enforcement officer testified that Estela admitted his involvement after arrest. Another officer recognized Estela from a surveillance photograph of the area where heroin sales were made. The district court found that Estela received Miranda warnings before making post-arrest statements.

PROCEDURAL HISTORY

Defendant-appellant Luis Estela appeals from a judgment of conviction entered on November 17, 2017, by the United States District Court for the Northern District of New York (Suddaby, C.J.), after a jury found him guilty of conspiracy to possess with the intent to distribute and to distribute heroin, in violation of 21 U.S.C. § 846. Estela also appeals from an order dated June 19, 2017, denying his motion to suppress post-arrest statements and an order dated October 25, 2017, denying his motion for a judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29 and for a new trial pursuant to Federal Rule of Criminal Procedure 33.

DISPOSITION

affirmed

CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Berghuis v. Thompkins*, 560 U.S. 370 (2010)
- *United States v. Gomez*, 877 F.3d 76 (2d Cir. 2017)
- *United States v. Finazzo*, 850 F.3d 94 (2d Cir. 2017)
- *United States v. Rutigliano*, 790 F.3d 389 (2d Cir. 2015)
- *United States v. Triumph Capital Group*, 544 F.3d 149 (2d Cir. 2008)
- *United States v. Klein*, 913 F.3d 73 (2d Cir. 2019)
- *United States v. Pierce*, 785 F.3d 832 (2d Cir. 2015)
- *Jackson v. Virginia*, 443 U.S. 307 (1979)
- *United States v. Anderson*, 747 F.3d 51 (2d Cir. 2014)
- *United States v. James*, 239 F.3d 120 (2d Cir. 2000)
- *United States v. Forbes*, 790 F.3d 403 (2d Cir. 2015)
- *United States v. James*, 712 F.3d 79 (2d Cir. 2013)
- *United States v. Lopac*, 411 F. Supp. 2d 350 (S.D.N.Y. 2006)
- *Wilburn v. Eastman Kodak Co.*, 180 F.3d 475 (2d Cir. 1999)

- United States v. Genao, 869 F.3d 136 (2d Cir. 2017)
- Gall v. United States, 552 U.S. 38 (2007)
- United States v. Cavera, 550 F.3d 180 (2d Cir. 2008)
- United States v. Friedberg, 558 F.3d 131 (2d Cir. 2009)

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