

DISTRICT OF COLUMBIA COURT OF APPEALS

Seals v. United States

844 A.2d 349 (D.C. 2004) · Decided March 11, 2004

SUMMARY

The District of Columbia Court of Appeals affirmed a defendant's consecutive sentences for misdemeanor receipt of stolen property and criminal contempt arising from violation of a stay-away order. The court held that the three-year contempt sentence, although near the outer bounds of proportionality, was permissible in light of the defendant's repeated criminal conduct and disregard of court orders. It also concluded that the sentencing record was sufficient for appellate review despite the trial judge's limited explanation.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Farrell, Associate Judge; Farrell; Pryor; Washington
JURISDICTION	District of Columbia
DECIDED	March 11, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from convictions entered after appellant pleaded guilty to misdemeanor receipt of stolen property and criminal contempt, challenging the proportionality and explanation of his three-year contempt sentence.
STANDARD OF REVIEW	The appellate court reviewed the contempt sentence for abuse of sentencing discretion, applying proportionality principles and determining whether the record was sufficient to permit meaningful appellate review.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Seals v. United States

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the thirty-six-month sentence for criminal contempt was disproportionate to appellant's violation of the stay-away order.
2. Whether the trial court adequately explained the contempt sentence and created a record sufficient for appellate review.

HOLDINGS

1. The thirty-six-month criminal contempt sentence did not exceed the permissible bounds of the trial court's sentencing authority and was not wholly incommensurate with the offense and offender characteristics.
2. Although the trial judge's explanation for the more than sixfold disparity between the contempt and receipt-of-stolen-property sentences was sketchy, the record sufficiently disclosed the need for a substantial sentence, so remand for additional explanation was unnecessary.

KEY QUOTATIONS

“Although the sentence for contempt was, in the circumstances of this case, at the outer bounds of a permissible sentence for violation of a statute “designed to serve the limited purpose of vindicating the authority of the court,” it did not exceed those bounds and we therefore affirm.” (844 A.2d at 349)

“Our Caldwell decision, in short, did not intend to make of contempt a unique departure from the rule that the judge may look at the offender — ie., his personal history — as well as the offense in deciding upon a sentence necessary to fulfill the aims of punishment.” (844 A.2d at 352)

“We nevertheless call attention once more to the implied teaching of Caldwell, which — in the vernacular — is that a sentence for contempt should never be the tail that wags the dog of punishment for a violation of the general criminal laws.” (844 A.2d at 353)

FACTUAL BACKGROUND

Seals was placed on work release in a halfway house and ordered to stay away from a five-block area around Sixth and H Streets, N.W., except for legal proceedings. He was later arrested while standing at a bus stop within the restricted area, and he pleaded guilty to criminal contempt for violating the order and to misdemeanor receipt of stolen property involving recently stolen property found in his possession. At sentencing, the trial court considered his extensive history of arrests and convictions, his apparent repeated disregard of court orders, and the need for deterrence before imposing consecutive terms of 150 days and thirty-six months.

PROCEDURAL HISTORY

Appellant was initially charged with felony receipt of stolen property and escape, but the felony receipt charge and escape charge were dismissed after he pleaded guilty to misdemeanor receipt of stolen property and criminal contempt for violating a stay-away order. The trial court imposed consecutive sentences of 150 days for receipt

of stolen property and thirty-six months for criminal contempt, followed by three years of supervised release. The District of Columbia Court of Appeals affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Caldwell v. United States, 595 A.2d 961 (D.C. 1991)
- Young v. United States ex rel. Vuitton et Fils S.A., 481 U.S. 787 (1987)
- United States v. United Mine Workers of America, 330 U.S. 258 (1947)
- United States v. Gomez, 553 F.2d 958 (5th Cir. 1977)
- United States v. Gracia, 755 F.2d 984 (2d Cir. 1985)
- United States v. Leyva, 513 F.2d 774 (5th Cir. 1975)
- United States v. Tucker, 404 U.S. 443 (1972)
- Williams v. New York, 337 U.S. 241 (1949)
- United States v. Roach, 108 F.3d 1477 (D.C. Cir. 1997)