

102 S.Ct. 2485  
Supreme Court of the United States

UNITED STATES, Petitioner

v.

Learley Reed GOODWIN.

No. 80–2195.

Argued April 21, 1982.

Decided June 18, 1982.

### Synopsis

Defendant was convicted in the United States District Court for the District of Maryland, Herbert F. Murray, J., for forcible assault on a federal officer and fleeing and eluding a police officer, and he appealed. The Court of Appeals for the Fourth Circuit, [637 F.2d 250](#), reversed on basis of due process violation arising from a presumption of prosecutorial vindictiveness, and certiorari review was obtained. The Supreme Court, Justice Stevens held that presumption of prosecutorial vindictiveness was not warranted in case in which defendant was indicted and convicted of a felony charge arising from same incident as previously pending misdemeanor charges after defendant decided not to plead guilty and requested trial by jury on the misdemeanor charges where there was no actual evidence of vindictiveness and absent of such a presumption of vindictiveness no due process violation was established.

Reversed and remanded.

Justice Blackmun filed an opinion concurring in the judgment.

Justice Brennan filed a dissenting opinion in which Justice Marshall joined.

West Headnotes (3)

[1] **Constitutional Law** 🔑 Retaliation for exercise of constitutional rights

92 Constitutional Law  
92VII Constitutional Rights in General  
92VII(A) In General  
92k1060 Retaliation for exercise of constitutional rights  
(Formerly 92k82(1))

An individual may not be punished for exercising a protected statutory or constitutional right. [U.S.C.A.Const.Amends. 5, 14.](#)

[157 Cases that cite this headnote](#)

[2] **District and Prosecuting Attorneys** 🔑 Charging discretion

131 District and Prosecuting Attorneys  
131k8 Powers and Proceedings in General  
131k8(6) Charging discretion  
(Formerly 131k8)

Just as a prosecutor may forego legitimate charges already brought in an effort to save time and expense of trial, a prosecutor may file additional charges if an initial expectation that defendant would plead guilty to lesser charges proves unfounded.

[756 Cases that cite this headnote](#)

[3] **Constitutional Law** 🔑 Misuse or abuse

**Criminal Law** 🔑 Particular cases

92 Constitutional Law  
92XXVII Due Process  
92XXVII(H) Criminal Law  
92XXVII(H)3 Law Enforcement  
92k4521 Conduct of Police and Prosecutors in General  
92k4527 Charging Decisions; Prosecutorial Discretion  
92k4527(2) Misuse or abuse  
(Formerly 92k257.5)  
110 Criminal Law  
110II Defenses in General  
110k36.5 Official Action, Inaction, Representation, Misconduct, or Bad Faith  
110k37.15 Vindictive Prosecution  
110k37.15(2) Particular cases  
(Formerly 92k257.5)

Presumption of prosecutorial vindictiveness was not warranted in case in which defendant was indicted and convicted of a felony charge arising from same incident as previously pending misdemeanor charges after defendant decided not to plead guilty and requested trial by jury on the misdemeanor charges where there was no actual evidence of vindictiveness and absent such a presumption of vindictiveness no due process violation was established. [U.S.C.A.Const.Amend. 5](#).

[1659 Cases that cite this headnote](#)

**\*\*2486** *Syllabus*\*

**\*368** After initially expressing an interest in plea bargaining on misdemeanor charges, respondent decided not to plead guilty and requested a trial by jury. While the misdemeanor charges were still pending, he was indicted and convicted in Federal District Court on a felony charge arising out of the same incident as the misdemeanor charges. Respondent moved to set aside the verdict on the ground of prosecutorial vindictiveness, contending that the felony indictment gave rise to an impermissible appearance of retaliation. The District Court denied the motion. The Court of Appeals reversed, holding that, although the prosecutor did not act with actual vindictiveness in seeking a felony indictment, the Due Process Clause prohibits the Government from bringing more serious charges against the defendant after he has invoked his right to a jury trial, unless the prosecutor comes forward with objective evidence that the increased charges could not have been brought before the defendant exercised his right. Believing that the circumstances surrounding the felony indictment gave rise to a genuine risk of retaliation, the court adopted a legal presumption of prosecutorial vindictiveness.

*Held* : A presumption of prosecutorial vindictiveness was not warranted in this case, and absent such a presumption no due process violation was established. Pp. 2488–2495.

(a) In cases in which action detrimental to a defendant has been taken after the exercise of a legal right, the presumption of an improper vindictive motive has been applied only where a reasonable likelihood of vindictiveness existed. *North Carolina v. Pearce*, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656; *Blackledge v. Perry*, 417 U.S. 21, 94 S.Ct. 2098, 40 L.Ed.2d 628. Cf. *Bordenkircher v. Hayes*, 434 U.S. 357, 98 S.Ct. 663, 54 L.Ed.2d 604. Pp. 2488–2492.

(b) A change in the prosecutor's charging decision made after an initial trial is completed is much more likely to be improperly motivated than is a pretrial decision. It is unrealistic to assume that a prosecutor's probable response to such pretrial motions as to be tried by a jury is to seek to penalize and to deter. Here, the timing of the prosecutor's action suggests that a presumption of vindictiveness was not warranted. A prosecutor should remain free before trial to exercise his discretion to determine the extent of the societal interest in the prosecution. The initial **\*369** charges filed by a prosecutor may not reflect the extent to which an individual is legitimately subject to prosecution. *Bordenkircher, supra*. Pp. 2492–2493.

(c) The nature of the right asserted by respondent confirms that a presumption of vindictiveness was not warranted in this case. The mere fact that a defendant refuses to plead guilty and forces the government to prove its case is insufficient to warrant a presumption that subsequent changes in the charging decision are unwarranted. *Bordenkircher, supra*. Pp. 2493–2494.

(d) The fact that respondent, as opposed to having a bench trial, requested a jury trial does not compel a special presumption of prosecutorial vindictiveness whenever additional charges are thereafter brought. While there may have been an opportunity for vindictiveness here, a mere opportunity for vindictiveness is insufficient to justify the imposition of a prophylactic rule. The possibility that a prosecutor **\*\*2487** would respond to a defendant's pretrial demand for a jury trial by bringing charges not in the public interest that could be explained only as a penalty imposed on the defendant is *sounlikely* that a presumption of vindictiveness is certainly not warranted. P. 2494.

[4th Cir., 637 F.2d 250](#), reversed and remanded.

### Attorneys and Law Firms

Andrew L. Frey, Washington, D.C., for petitioner.

Paul W. Spence, Baltimore, Md., for respondent.

### Opinion

Justice STEVENS delivered the opinion of the Court.

This case involves presumptions. The question presented is whether a presumption that has been used to evaluate a judicial or prosecutorial response to a criminal defendant's exercise of a right to be retried after he has been convicted \*370 should also be applied to evaluate a prosecutor's pretrial response to a defendant's demand for a jury trial.

After the respondent requested a trial by jury on pending misdemeanor charges, he was indicted and convicted on a felony charge. Believing that the sequence of events gave rise to an impermissible appearance of prosecutorial retaliation against the defendant's exercise of his right to be tried by jury, the United States Court of Appeals for the Fourth Circuit reversed the felony conviction. 637 F.2d 250. Because this case presents an important question concerning the scope of our holdings in *North Carolina v. Pearce*, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656, and *Blackledge v. Perry*, 417 U.S. 21, 94 S.Ct. 2098, 40 L.Ed.2d 628, we granted the Government's petition for certiorari. 454 U.S. 1079, 102 S.Ct. 632, 70 L.Ed.2d 613.

I

Respondent Goodwin was stopped for speeding by a United States Park Policeman on the Baltimore-Washington Parkway. Goodwin emerged from his car to talk to the policeman. After a brief discussion, the officer noticed a clear plastic bag underneath the armrest next to the driver's seat of Goodwin's car. The officer asked Goodwin to return to his car and to raise the armrest. Respondent did so, but as he raised the armrest he placed the car into gear and accelerated rapidly. The car struck the officer, knocking him first onto the back of the car and then onto the highway. The

policeman returned to his car, but Goodwin eluded him in a high-speed chase.

The following day, the officer filed a complaint in the District Court charging respondent with several misdemeanor and petty offenses, including assault. Goodwin was arrested and arraigned before a United States Magistrate. The Magistrate set a date for trial, but respondent fled the jurisdiction. Three years later Goodwin was found in custody in Virginia and was returned to Maryland.

Upon his return, respondent's case was assigned to an attorney from the Department of Justice, who was detailed \*371 temporarily to try petty crime and misdemeanor cases before the Magistrate. The attorney did not have authority to try felony cases or to seek indictments from the grand jury. Respondent initiated plea negotiations with the prosecutor, but later advised the Government that he did not wish to plead guilty and desired a trial by jury in the District Court.<sup>1</sup>

The case was transferred to the District Court and responsibility for the prosecution was assumed by an Assistant United States Attorney. Approximately six weeks later, after reviewing the case and discussing it with several parties, the prosecutor obtained a four-count indictment charging respondent with one felony count of forcibly assaulting a federal officer and three related counts arising from the same incident.<sup>2</sup> A jury convicted respondent on the felony count and on one misdemeanor count.

**\*\*2488** Respondent moved to set aside the verdict on the ground of prosecutorial vindictiveness, contending that the indictment on the felony charge gave rise to an impermissible appearance of retaliation. The District Court denied the motion, finding that "the prosecutor in this case has adequately dispelled any appearance of retaliatory intent."<sup>3</sup>

\*372 Although the Court of Appeals readily concluded that "the prosecutor did not act with actual vindictiveness in seeking a felony indictment," 637 F.2d, at 252, it nevertheless reversed. Relying on our decisions in *North Carolina v. Pearce*, *supra*, and *Blackledge v. Perry*, *supra*, the court held that the Due Process Clause of the Fifth Amendment prohibits

the Government from bringing more serious charges against a defendant after he has invoked his right to a jury trial, unless the prosecutor comes forward with objective evidence to show that the increased charges could not have been brought before the defendant exercised his rights. Because the court believed that the circumstances surrounding the felony indictment gave rise to a genuine risk of retaliation, it adopted a legal presumption designed to spare courts the “unseemly task” of probing the actual motives of the prosecutor. 637 F.2d, at 255.

## II

[1] To punish a person because he has done what the law plainly allows him to do is a due process violation “of the most basic sort.” *Bordenkircher v. Hayes*, 434 U.S. 357, 363, 98 S.Ct. 663, 668, 54 L.Ed.2d 604. In a series of cases beginning with *North Carolina v. Pearce* and culminating in *Bordenkircher v. Hayes*, the Court has recognized this basic—and itself uncontroversial—principle. For while an individual certainly may be penalized for violating the law, he just as certainly may not be punished for exercising a protected statutory or constitutional right.<sup>4</sup>

The imposition of punishment is the very purpose of virtually all criminal proceedings. The presence of a punitive \*373 motivation, therefore, does not provide an adequate basis for distinguishing governmental action that is fully justified as a legitimate response to perceived criminal conduct from governmental action that is an impermissible response to noncriminal, protected activity. Motives are complex and difficult to prove. As a result, in certain cases in which action detrimental to the defendant has been taken after the exercise of a legal right, the Court has found it necessary to “presume” an improper vindictive motive. Given the severity of such a presumption, however—which may operate in the absence of any proof of an improper motive and thus may block a legitimate response to criminal conduct—the Court has done so only in cases in which a reasonable likelihood of vindictiveness exists.

\*\*2489 In *North Carolina v. Pearce*, the Court held that neither the Double Jeopardy Clause nor the Equal Protection Clause prohibits a trial judge from imposing a harsher sentence on retrial after a criminal defendant

successfully attacks an initial conviction on appeal. The Court stated, however, that “[i]t can hardly be doubted that it would be a flagrant violation [of the Due Process Clause] of the Fourteenth Amendment for a state trial court to follow an announced practice of imposing a heavier sentence upon every reconvicted defendant for the explicit purpose of punishing the defendant for his having succeeded in getting his original conviction set aside.” 395 U.S., at 723–724, 89 S.Ct., at 2080. The Court continued:

“Due process of law, then, requires that vindictiveness against a defendant for having successfully attacked his first conviction must play no part in the sentence he receives after a new trial. And since the fear of such vindictiveness may unconstitutionally deter a defendant's exercise of the right to appeal or collaterally attack his first conviction, due process also requires that a defendant be freed of apprehension of such a retaliatory \*374 motivation on the part of the sentencing judge.” *Id.*, at 725, 89 S.Ct., at 2080.

In order to assure the absence of such a motivation, the Court concluded:

“[W]henver a judge imposes a more severe sentence upon a defendant after a new trial, the reasons for his doing so must affirmatively appear. Those reasons must be based upon objective information concerning identifiable conduct on the part of the defendant occurring after the time of the original sentencing proceeding. And the factual data upon which the increased sentence is based must be made part of the record, so that the constitutional legitimacy of the increased sentence may be fully reviewed on appeal.” *Id.*, at 726, 89 S.Ct., at 2081.

In sum, the Court applied a presumption of vindictiveness, which may be overcome only by objective information in the record justifying the increased sentence.<sup>5</sup>

\*375 In *Blackledge v. Perry*, 417 U.S. 21, 94 S.Ct. 2098, 40 L.Ed.2d 628, the Court confronted the problem of increased punishment upon retrial after appeal in a setting different from that considered in *Pearce*. Perry was convicted of assault in an inferior \*\*2490 court having exclusive jurisdiction for the trial of misdemeanors. The court imposed a 6-month sentence. Under North Carolina law, Perry had an

absolute right to a trial *de novo* in the Superior Court, which possessed felony jurisdiction. After Perry filed his notice of appeal, the prosecutor obtained a felony indictment charging him with assault with a deadly weapon. Perry pleaded guilty to the felony and was sentenced to a term of five to seven years in prison. In reviewing Perry's felony conviction and increased sentence,<sup>6</sup> this Court first stated the essence of the holdings in *Pearce* and the cases that had followed it:

“The lesson that emerges from *Pearce*, *Colten*, and *Chaffin* is that the Due Process Clause is not offended by all possibilities of increased punishment upon retrial after appeal, but only by those that pose a realistic likelihood of ‘vindictiveness.’” 417 U.S., at 27, 94 S.Ct., at 2102.

The Court held that the opportunities for vindictiveness in the situation before it were such “as to impel the conclusion that due process of law requires a rule analogous to that of the *Pearce* case.” *Ibid.* It explained:

\*376 “A prosecutor clearly has a considerable stake in discouraging convicted misdemeanants from appealing and thus obtaining a trial *de novo* in the Superior Court, since such an appeal will clearly require increased expenditures of prosecutorial resources before the defendant's conviction becomes final, and may even result in a formerly convicted defendant's going free. And, if the prosecutor has the means readily at hand to discourage such appeals—by ‘upping the ante’ through a felony indictment whenever a convicted misdemeanant pursues his statutory appellate remedy—the State can insure that only the most hardy defendants will brave the hazards of a *de novo* trial.” *Id.*, at 27–28, 94 S.Ct., at 2102.

The Court emphasized in *Blackledge* that it did not matter that no evidence was present that the prosecutor had acted in bad faith or with malice in seeking the felony indictment.<sup>7</sup> As in *Pearce*, the Court held that the likelihood of vindictiveness justified a presumption that would free defendants of apprehension of such a retaliatory motivation on the part of the prosecutor.<sup>8</sup>

Both *Pearce* and *Blackledge* involved the defendant's exercise of a procedural right that caused a complete retrial after he had been once tried and convicted.

The decisions in these cases reflect a recognition by the Court of the institutional bias inherent in the judicial system against the retrial of issues that have already been decided. The doctrines of *stare decisis*, *res judicata*, the law of the case, and double jeopardy all are based, at least in part, on that deep-seated bias. \*377 While none of these doctrines barred the retrials in *Pearce* and *Blackledge*, the same institutional pressure that supports them might also subconsciously motivate a vindictive prosecutorial or judicial response to a defendant's exercise of his right to obtain a retrial of a decided question.

In *Bordenkircher v. Hayes*, 434 U.S. 357, 98 S.Ct. 663, 54 L.Ed.2d 604, the Court for the first time considered an allegation of vindictiveness that arose in a pretrial setting. In that case the Court held that the Due Process Clause of the Fourteenth Amendment did not prohibit a prosecutor from carrying out a threat, made during plea negotiations, to bring additional charges against an accused who refused to plead guilty to the offense with which he \*\*2491 was originally charged. The prosecutor in that case had explicitly told the defendant that if he did not plead guilty and “save the court the inconvenience and necessity of a trial” he would return to the grand jury to obtain an additional charge that would significantly increase the defendant's potential punishment.<sup>9</sup> The defendant refused to plead guilty and the prosecutor obtained the indictment. It was not disputed that the additional charge was justified by the evidence, that the prosecutor was in possession of this evidence at the time the original indictment was obtained, and that the prosecutor sought the additional charge because of the accused's refusal to plead guilty to the original charge.

In finding no due process violation, the Court in *Bordenkircher* considered the decisions in *Pearce* and *Blackledge*, and stated:

“In those cases the Court was dealing with the State's unilateral imposition of a penalty upon a defendant who had chosen to exercise a legal right to attack his original conviction—a situation ‘very different from the give-and-take \*378 negotiation common in plea bargaining between the prosecution and defense, which arguably possess relatively equal bargaining power.’ *Parker v. North Carolina*, 397 U.S. 790, 809 [90 S.Ct. 1458, 1479–1480, 25



L.Ed.2d 785] (opinion of BRENNAN, J.)” 434 U.S., at 362, 98 S.Ct., at 667.

The Court stated that the due process violation in *Pearce* and *Blackledge* “lay not in the possibility that a defendant might be deterred from the exercise of a legal right ... but rather in the danger that the State might be retaliating against the accused for lawfully attacking his conviction.” 434 U.S., at 363, 98 S.Ct., at 667–668.

The Court held, however, that there was no such element of punishment in the “give-and-take” of plea negotiation, so long as the accused “is free to accept or reject the prosecution’s offer.” *Ibid.* The Court noted that, by tolerating and encouraging the negotiation of pleas, this Court had accepted as constitutionally legitimate the simple reality that the prosecutor’s interest at the bargaining table is to persuade the defendant to forgo his constitutional right to stand trial. The Court concluded:

“We hold only that the course of conduct engaged in by the prosecutor in this case, which no more than openly presented the defendant with the unpleasant alternatives of forgoing trial or facing charges on which he was plainly subject to prosecution, did not violate the Due Process Clause of the Fourteenth Amendment.” *Id.*, at 365, 98 S.Ct., at 669.

[2] The outcome in *Bordenkircher* was mandated by this Court’s acceptance of plea negotiation as a legitimate process.<sup>10</sup> \*\*2492 In declining to apply a presumption of vindictiveness, \*379 the Court recognized that “additional” charges obtained by a prosecutor could not necessarily be characterized as an impermissible “penalty.” Since charges brought in an original indictment may be abandoned by the prosecutor in the course of plea negotiation—in often what is clearly a “benefit” to the defendant—changes in the charging decision that occur in the \*380 context of plea negotiation are an inaccurate measure of improper prosecutorial “vindictiveness.”<sup>11</sup> An initial indictment—from which the prosecutor embarks on a course of plea negotiation—does not necessarily define the extent of the legitimate interest in prosecution. For just as a prosecutor may forgo legitimate charges already brought in an effort to save the time and expense of trial, a prosecutor may file additional charges if an initial expectation that a

defendant would plead guilty to lesser charges proves unfounded.<sup>12</sup>

### III

[3] This case, like *Bordenkircher*, arises from a pretrial decision to modify the charges against the defendant. Unlike *Bordenkircher*, however, there is no evidence in this case that could give rise to a claim of *actual* vindictiveness; the \*381 prosecutor never suggested that the charge was brought to influence the respondent’s conduct.<sup>13</sup> The conviction in this case may be reversed only if a *presumption* of vindictiveness—applicable in all cases—is warranted.

There is good reason to be cautious before adopting an inflexible presumption of prosecutorial vindictiveness in a pretrial setting. In the course of preparing a case for trial, the prosecutor may uncover additional information that suggests a basis for further prosecution or he simply may come to realize that information possessed by the State has a broader significance. At this \*\*2493 stage of the proceedings, the prosecutor’s assessment of the proper extent of prosecution may not have crystallized. In contrast, once a trial begins—and certainly by the time a conviction has been obtained—it is much more likely that the State has discovered and assessed all of the information against an accused and has made a determination, on the basis of that information, of the extent to which he should be prosecuted. Thus, a change in the charging decision made after an initial trial is completed is much more likely to be improperly motivated than is a pretrial decision.

In addition, a defendant before trial is expected to invoke procedural rights that inevitably impose some “burden” on the prosecutor. Defense counsel routinely file pretrial motions to suppress evidence; to challenge the sufficiency and form of an indictment; to plead an affirmative defense; to request psychiatric services; to obtain access to government files; to be tried by jury. It is unrealistic to assume that a prosecutor’s probable response to such motions is to seek to penalize and to deter. The invocation of procedural rights is an integral part of the adversary process in which our criminal justice system operates.

Thus, the timing of the prosecutor's action in this case suggests that a presumption of vindictiveness is not warranted. \*382 A prosecutor should remain free before trial to exercise the broad discretion entrusted to him to determine the extent of the societal interest in prosecution. An initial decision should not freeze future conduct.<sup>14</sup> As we made clear in *Bordenkircher*, the initial charges filed by a prosecutor may not reflect the extent to which an individual is legitimately subject to prosecution.<sup>15</sup>

The nature of the right asserted by the respondent confirms that a presumption of vindictiveness is not warranted in this case. After initially expressing an interest in plea negotiation, respondent decided not to plead guilty and requested a trial by jury in District Court. In doing so, he forced the Government to bear the burdens and uncertainty of a trial. This Court in *Bordenkircher* made clear that the mere fact that a defendant refuses to plead guilty and forces the government to prove its case is insufficient to warrant a presumption that subsequent changes in the charging decision \*383 are unjustified. Respondent argues that such a presumption is warranted in this case, however, because he not only requested a trial—he requested a trial by jury.

We cannot agree. The distinction between a bench trial and a jury trial does not compel a special presumption of prosecutorial vindictiveness whenever additional charges are brought after a jury is demanded. To be sure, a jury trial is more burdensome than a bench trial. The defendant may challenge the selection of the venire; the jury itself must be impaneled; \*\*2494 witnesses and arguments must be prepared more carefully to avoid the danger of a mistrial. These matters are much less significant, however, than the facts that before either a jury or a judge the State must present its full case against the accused and the defendant is entitled to offer a full defense. As compared to the complete trial *de novo* at issue in *Blackledge*, a jury trial—as opposed to a bench trial—does not require duplicative expenditures of prosecutorial resources before a final judgment may be obtained. Moreover, unlike the trial judge in *Pearce*, no party is asked “to do over what it thought it had already done correctly.”<sup>16</sup> A prosecutor has no “personal stake” in a bench trial and thus no reason to engage in “self-vindication” upon a defendant's

request for a jury trial.<sup>17</sup> Perhaps most importantly, the institutional bias against the retrial of a decided question that supported the decisions in *Pearce* and *Blackledge* simply has no counterpart in this case.<sup>18</sup>

\*384 There is an opportunity for vindictiveness, as there was in *Colten* and *Chaffin*. Those cases demonstrate, however, that a mere opportunity for vindictiveness is insufficient to justify the imposition of a prophylactic rule. As *Blackledge* makes clear, “the Due Process Clause is not offended by all possibilities of increased punishment ... but only by those that pose a realistic likelihood of ‘vindictiveness.’ ” 417 U.S., at 27, 94 S.Ct., at 2102. The possibility that a prosecutor would respond to a defendant's pretrial demand for a jury trial by bringing charges not in the public interest that could be explained only as a penalty imposed on the defendant is so *unlikely* that a presumption of vindictiveness certainly is not warranted.

#### IV

In declining to apply a presumption of vindictiveness, we of course do not foreclose the possibility that a defendant in an appropriate case might prove objectively that the prosecutor's charging decision was motivated by a desire to punish him for doing something that the law plainly allowed him to do.<sup>19</sup> In this case, however, the Court of Appeals stated: “On this record we readily conclude that the prosecutor did not act with actual vindictiveness in seeking a felony indictment.” 637 F.2d, at 252. Respondent does not challenge that finding. Absent a presumption of vindictiveness, no due process violation has been established.

The judgment of the Court of Appeals is reversed. The \*385 case is remanded for further proceedings consistent with this opinion.

*It is so ordered.*

Justice BLACKMUN, concurring in the judgment. Like Justice BRENNAN, I believe that our precedents mandate the conclusion that \*\*2495 “a realistic likelihood of ‘vindictiveness’ ” arises in this context. *Blackledge v. Perry*, 417 U.S. 21, 27, 94 S.Ct. 2098,

2102, 40 L.Ed.2d 628 (1974). The Assistant United States Attorney responsible for increasing the charges against respondent was aware of the initial charging decision; he had the means available to discourage respondent from electing a jury trial in District Court; he had a substantial stake in dissuading respondent from exercising that option; and he was familiar with, and sensitive to, the institutional interests that favored a trial before the Magistrate.

Moreover, I find no support in our prior cases for any distinction between pretrial and post-trial vindictiveness. As I have said before: “Prosecutorial vindictiveness in any context is still prosecutorial vindictiveness. The Due Process Clause should protect an accused against it, however it asserts itself.” *Bordenkircher v. Hayes*, 434 U.S. 357, 368, 98 S.Ct. 663, 670, 54 L.Ed.2d 604 (1978) (dissenting opinion). And, as Justice BRENNAN points out, *Bordenkircher* does not dictate the result here. In fact, in *Bordenkircher* the Court expressly distinguished and left *unresolved* cases such as this one, “where the prosecutor without notice brought an additional and more serious charge after plea negotiations relating only to the original [charges] had ended with the defendant’s insistence on pleading not guilty.” *Id.*, at 360, 98 S.Ct., at 666.

The Court’s ruling in *Bordenkircher* did not depend on a distinction between the pretrial and post-trial settings: rather, the Court declined to apply its prior opinions in *Blackledge* and *North Carolina v. Pearce*, 395 U.S. 711, 89 S.Ct. 2072, 23 L.Ed.2d 656 (1969), because those cases involved “the State’s unilateral imposition of a penalty,” rather than “the give-and-take negotiation common in plea bargaining.” \*386 434 U.S., at 362, 98 S.Ct., at 667, quoting *Parker v. North Carolina*, 397 U.S. 790, 809, 90 S.Ct. 1458, 1479, 25 L.Ed.2d 785 (1970) (opinion of BRENNAN, J.). Here, as in *Pearce* and *Blackledge*, the prosecutor unilaterally imposed a penalty in response to respondent’s exercise of a legal right.

Adopting the prophylactic rule of *Pearce* and *Blackledge* in this case will not, as the Court would insist, undercut “the broad discretion entrusted to [the prosecutor] to determine the extent of the societal interest in prosecution.” *Ante*, at 2493. “[T]he prosecutor initially ‘makes a discretionary

determination that the interests of the state are served by not seeking more serious charges.’ ” *Bordenkircher v. Hayes*, 434 U.S., at 367, 98 S.Ct., at 670 (dissenting opinion), quoting *Hayes v. Cowan*, 547 F.2d 42, 44 (CA6 1976). Moreover, the Due Process Clause does not deprive a prosecutor of the flexibility to add charges after a defendant has decided not to plead guilty and has elected a jury trial in District Court—so long as the adjustment is based on “objective information concerning identifiable conduct on the part of the defendant occurring after the time of the original” charging decision. *North Carolina v. Pearce*, 395 U.S., at 726, 89 S.Ct., at 2081. In addition, I believe that the prosecutor adequately explains an increased charge by pointing to objective information that he could not reasonably have been aware of at the time charges were initially filed. Cf. *ante*, at 2493.

Because I find that the Assistant United States Attorney’s explanation for seeking a felony indictment satisfies these standards, see *ante*, at 2488, n.2, I conclude that the Government has dispelled the appearance of vindictiveness and, therefore, that the imposition of additional charges did not violate respondent’s due process rights. Accordingly, I concur in the judgment.

Justice BRENNAN, with whom Justice MARSHALL joins, dissenting.

In *Blackledge v. Perry*, 417 U.S. 21, 94 S.Ct. 2098, 40 L.Ed.2d 628 (1974), this Court held that the Due Process Clause prohibits a prosecutor from responding \*387 to the defendant’s invocation of his statutory right to a trial *de novo* by bringing more serious charges against him that arise out of the same conduct. In the case before \*\*2496 us, the prosecutor responded to the defendant’s invocation of his statutory and constitutional right to a trial *by jury* by raising petty offenses to felony charges based on the same conduct. Yet the Court holds, in the teeth of *Blackledge*, that here there is no denial of due process. In my view, *Blackledge* requires affirmance of the Court of Appeals, and the Court’s attempt to distinguish that case from the present one is completely unpersuasive.

The salient facts of this case are quite simple. Respondent was originally charged with several petty offenses and misdemeanors—speeding, reckless



driving, failing to give aid at the scene of an accident, fleeing from a police officer, and assault by striking a police officer—arising from his conduct on the Baltimore-Washington Parkway. Assuming that respondent had been convicted on every count charged in this original complaint, the maximum punishment to which he conceivably could have been exposed was fines of \$3,500 and 28 months in prison.<sup>1</sup> Because all of the charges against respondent were petty offenses or misdemeanors, they were scheduled for trial before a magistrate, see 28 U.S.C. § 636(a)(3); 18 U.S.C. § 3401(a), who was not authorized to \*388 conduct jury trials, see *ante*, at 2488, n.1. In addition, the case was assigned to a prosecutor who, owing to inexperience, was not even authorized to try felony cases. Thus the Government recognized that respondent's alleged crimes were relatively minor, and attempted to dispose of them in an expedited manner. But respondent frustrated this attempt at summary justice by demanding a jury trial in Federal District Court. This was his right, of course, not only under the applicable statute, 18 U.S.C. § 3401(b), but also under the Constitution.<sup>2</sup>

Respondent's demand required that the case be transferred from the Magistrate's Court in Hyattsville to the District Court in Baltimore, and that the prosecution be reassigned to an Assistant United States Attorney, who was authorized to prosecute cases in the District Court. The new prosecutor sought and obtained a second, four-count indictment, in which the same conduct originally charged as petty-offense and misdemeanor counts was now charged as a misdemeanor and two felonies: assaulting, resisting, or impeding a federal officer with a deadly weapon, and assault with a dangerous weapon. If we assume (as before) that respondent was convicted on all of these charges, his maximum exposure to punishment had now become fines of \$11,500 and 15 years in prison.<sup>3</sup> Respondent's claim below was that such \*389 an elevation of the charges against him from petty offenses to felonies, following his exercise of his statutory and constitutional \*\*2497 right to a jury trial, reflected prosecutorial vindictiveness that denied him due process of law.

The Court attempts to denigrate respondent's claim by asserting that this case “involves presumptions,” *ante*, at 2487, and by arguing that “there is no

evidence in this case that could give rise to a claim of *actual* vindictiveness,” *ante*, at 2493 (emphasis in original). By casting respondent's claim in terms of a “mere” legal presumption, the Court hopes to make that claim appear to be unreal or technical. But such an approach is contrary to the letter and spirit of *Blackledge*. There we focused upon the accused's “apprehension of ... retaliatory motivation,” 417 U.S., at 28, 94 S.Ct., at 2102, and we held that the Due Process Clause is violated when situations involving increased punishment “pose a realistic likelihood of ‘vindictiveness,’ ” *id.*, at 27, 94 S.Ct., at 2102. In such situations, the criminal defendant's apprehension of retaliatory motivation does not amount to an unreal or technical violation of his constitutional rights. On the contrary, as we recognized in *North Carolina v. Pearce*, 395 U.S. 711, 725, 89 S.Ct. 2072, 2080, 23 L.Ed.2d 656 (1969), “the fear of such vindictiveness may unconstitutionally deter a defendant's exercise” of his rights.

The Court does not contend that *Blackledge* is inapplicable to instances of pretrial as well as post-trial vindictiveness. But after examining the record before us for objective indications of such vindictiveness, the Court concludes, *ante*, at 2493, that “a presumption of vindictiveness is not warranted in this case.” With all respect, I disagree both with the Court's conclusion and with its reasoning. In my view, the question here is not one of “presumptions.” Rather, I would analyze respondent's claim in the terms employed by our precedents. Did the elevation of the charges against respondent “pose a realistic likelihood of ‘vindictiveness?’ ” See *Blackledge v. Perry*, 417 U.S., at 27, 94 S.Ct., at 2102. Is it possible that “the fear of such vindictiveness may unconstitutionally deter” a person in respondent's position from exercising his statutory and \*390 constitutional right to a jury trial? See *North Carolina v. Pearce*, *supra*, 395 U.S., at 725, 89 S.Ct., at 2080. The answer to these questions is plainly “Yes.”

The Court suggests, *ante*, at 2494, that the distinction between a bench trial and a jury trial is unimportant in this context. Such a suggestion is demonstrably fallacious. Experienced criminal practitioners, for both prosecution and defense, know that a jury trial entails far more prosecutorial work than a bench trial. Defense challenges to the potential-juror array, *voir*

*dire* examination of potential jurors, and suppression hearings all take up a prosecutor's time before a jury trial, adding to his scheduling difficulties and caseload. More care in the preparation of his requested instructions, of his witnesses, and of his own remarks is necessary in order to avoid mistrial or reversible error. And there is always the specter of the "irrational" acquittal by a jury that is unreviewable on appeal. Thus it is simply inconceivable that a criminal defendant's election to be tried by jury would be a matter of indifference to his prosecutor. On the contrary, the prosecutor would almost always prefer that the defendant waive such a "troublesome" right. And if the defendant refuses to do so, the prosecutor's subsequent elevation of the charges against the defendant manifestly poses a realistic likelihood of vindictiveness.

The truth of my conclusion, and the patent fallacy of the Court's, is particularly evident on the record before us. The practical effect of respondent's demand for a jury trial was that the Government had to transfer the case from a trial before a Magistrate in Hyattsville to a trial before a District Judge and jury in Baltimore, and had to substitute one prosecutor for another. The Government thus suffered not only administrative inconvenience: It also lost the value of the preparation and services of the first prosecutor, and was forced to commit a second prosecutor to prepare the case from scratch. Thus, just as in \*\*2498 *Blackledge*, respondent's election \*391 had the effect of "clearly requir[ing] increased expenditures of prosecutorial resources before the defendant's conviction" could finally be achieved. 417 U.S., at 27, 94 S.Ct., at 2102. And, to paraphrase *Blackledge*,

"if the prosecutor has the means readily at hand to discourage such [elections]—by 'upping the ante' through a felony indictment ... —the State can insure that only the most hardy defendants will brave the hazards of a [jury] trial." Cf. *id.*, at 27–28, 94 S.Ct., at 2102.

#### Footnotes

\* The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Lumber Co.*, 200 U.S. 321, 337, 26 S.Ct. 282, 287, 50 L.Ed. 499.

1 At that time, there was no statutory provision allowing a trial by jury before a magistrate.

I conclude that the facts of this case easily support the inference of "a realistic likelihood of vindictiveness."

The Court discusses *Bordenkircher v. Hayes*, 434 U.S. 357, 98 S.Ct. 663, 54 L.Ed.2d 604 (1978), *ante*, at 2491–2492, and suggests some analogy between that case and the present one, *ante*, at 2492. In my view, such an analogy is quite inapt. *Bordenkircher* dealt only with the context of plea bargaining and with the narrow situation in which the prosecutor "openly presented the defendant with the unpleasant alternatives of forgoing trial or facing [increased] charges." 434 U.S., at 365, 98 S.Ct., at 669. *Bordenkircher* did not remotely suggest that a pretrial increase in charges, made as a response to a demand for jury trial, would not present a realistic likelihood of vindictiveness when the demand put the prosecution to an added burden such as that imposed in this case. Indeed, *Bordenkircher* expressly distinguished its facts from those in *Blackledge* and *Pearce*: "In those cases the Court was dealing with the State's unilateral imposition of a penalty upon a defendant who had chosen to exercise a legal right ... —a situation 'very different from the give-and-take negotiation common in plea bargaining ....' " 434 U.S., at 362, 98 S.Ct., at 667, quoting *Parker v. North Carolina*, 397 U.S. 790, 809, 90 S.Ct. 1458, 1479, 25 L.Ed.2d 785 (1970). The facts in this case plainly fit within the pattern of *Pearce* and *Blackledge*, not of *Bordenkircher*. There was no ongoing "give-and-take negotiation" between respondent and the Government, and there \*392 was the "unilateral imposition of a penalty" in response to respondent's choice "to exercise a legal right."

Because it seems clear to me that *Blackledge* requires it, I would affirm the judgment of the Court of Appeals.

#### All Citations

457 U.S. 368, 102 S.Ct. 2485, 73 L.Ed.2d 74

- 2 By affidavit, the Assistant United States Attorney later set forth his reasons for this action: (1) he considered respondent's conduct on the date in question to be a serious violation of law, (2) respondent had a lengthy history of violent crime, (3) the prosecutor considered respondent's conduct to be related to major narcotics transactions, (4) the prosecutor believed that respondent had committed perjury at his preliminary hearing, and (5) respondent had failed to appear for trial as originally scheduled. The Government attorney stated that his decision to seek a felony indictment was not motivated in any way by Goodwin's request for a jury trial in District Court.
- 3 App. to Pet. for Cert. 22a; cf. n.2, *supra*. The District Court considered the merits of respondent's motion even though it was not timely filed in accordance with [Rule 12\(b\)\(1\) of the Federal Rules of Criminal Procedure](#). The District Court found sufficient "cause" for respondent's procedural default pursuant to [Federal Rule of Criminal Procedure 12\(f\)](#). The Court of Appeals did not consider the propriety of the District Court's ruling in this regard and neither do we.
- 4 "[F]or an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is 'patently unconstitutional.'" [Bordenkircher v. Hayes](#), 434 U.S. 357, 363, 98 S.Ct. 663, 668, 54 L.Ed.2d 604 (quoting [Chaffin v. Stynchcombe](#), 412 U.S. 17, 32–33, n. 20, 93 S.Ct. 1977, 1986, n. 20, 36 L.Ed.2d 714).
- 5 Two subsequent cases developed the principles set forth in *Pearce*. In [Colten v. Kentucky](#), 407 U.S. 104, 92 S.Ct. 1953, 32 L.Ed.2d 584, the Court refused to apply the prophylactic rule of *Pearce* to an allegation of vindictiveness that arose in a case involving Kentucky's two-tier system for adjudicating less serious criminal charges. In that system, a defendant who is convicted and sentenced in an inferior court is entitled to a trial *de novo* in a court of general jurisdiction. The defendant in *Colten* exercised that right and received a more severe sentence from the court of general jurisdiction. This Court found that "[t]he possibility of vindictiveness, found to exist in *Pearce*, is not inherent in the Kentucky two-tier system." 407 U.S., at 116, 92 S.Ct., at 1960. The Court emphasized that the second trial was conducted, and the final sentence was imposed, by a different court that was not asked "to do over what it thought it had already done correctly." *Id.*, at 117, 92 S.Ct., at 1960. The Court noted: "It may often be that the superior court will impose a punishment more severe than that received from an inferior court. But it no more follows that such a sentence is a vindictive penalty for seeking a superior court trial than that the inferior court imposed a lenient penalty." *Ibid*. Ultimately, the Court described the sentence received from the inferior tribunal as "in effect ... no more than an offer in settlement." *Id.*, at 119, 92 S.Ct., at 1961.
- In [Chaffin v. Stynchcombe](#), 412 U.S. 17, 93 S.Ct. 1977, 36 L.Ed.2d 714, the Court held that the prophylactic rule of *Pearce* does not apply when the second sentence is imposed on retrial by a jury. The Court emphasized that the decision in *Pearce* "was premised on the apparent need to guard against *vindictiveness* in the resentencing process." 412 U.S., at 25, 93 S.Ct., at 1982 (emphasis in original). The Court found that the possibility of vindictiveness was *de minimis* when resentencing was by jury in a properly controlled retrial. The Court noted that (1) the jury typically will not be aware of the prior sentence, (2) the jury, unlike a judge who has been reversed, will have no personal stake in the prior conviction and no motivation to engage in self-vindication, and (3) the jury will not likely be sensitive to the institutional interests that might occasion higher sentences by a judge desirous of discouraging what he regards as meritless appeals. *Id.*, at 26–27, 93 S.Ct., at 1982–1983.
- 6 The Court held that in pleading guilty Perry had not waived the right "not to be haled into court at all upon the felony charge." 417 U.S., at 30, 94 S.Ct., at 2104.
- 7 There is, of course, no evidence that the prosecutor in this case acted in bad faith or maliciously in seeking a felony indictment against Perry." *Id.*, at 28, 94 S.Ct., at 2102.
- 8 The presumption again could be overcome by objective evidence justifying the prosecutor's action. The Court noted: "This would clearly be a different case if the State had shown that it was impossible to proceed on the more serious charge at the outset, as in [Diaz v. United States](#), 223 U.S. 442 [32 S.Ct. 250, 56 L.Ed. 500]." *Id.*, at 29, n.7, 94 S.Ct., at 2103, n.7.
- 9 The prosecutor advised the defendant that he would obtain an indictment under the Kentucky Habitual Criminal Act, which would subject the accused to a mandatory sentence of life imprisonment by reason of his two prior felony convictions. Absent the additional indictment, the defendant was subject to a punishment of 2 to 10 years in prison.

10 Cf. 434 U.S., at 364–365, 98 S.Ct., at 669 (“To hold that the prosecutor's desire to induce a guilty plea ... may play no part in his charging decision, would contradict the very premises that underlie the concept of plea bargaining itself”). If a prosecutor could not threaten to bring additional charges during plea negotiation, and then obtain those charges when plea negotiation failed, an equally compelling argument could be made that a prosecutor's initial charging decision could never be influenced by what he hoped to gain in the course of plea negotiation. Whether “additional” charges were brought originally and dismissed, or merely threatened during plea negotiations, the prosecutor could be accused of using those charges to induce a defendant to forgo his right to stand trial. If such use of “additional” charges were presumptively invalid, the institution of plea negotiation could not survive. Thus, to preserve the plea negotiation process, with its correspondent advantages for both the defendant and the State, the Court in *Bordenkircher* held that “additional” charges *may* be used to induce a defendant to plead guilty. Once that conclusion was accepted, it necessarily followed that it did not matter whether the “additional” charges were obtained in the original indictment or merely threatened in plea negotiations and obtained once those negotiations broke down. In the former situation, the prosecutor could be said simply to have “anticipated” that the defendant might refuse to plead guilty and, as a result, to have placed his “threat” in the original indictment. Cf. *id.*, at 360–361, 98 S.Ct., at 666 (“As a practical matter, in short, this case would be no different if the grand jury had indicted Hayes as a recidivist from the outset, and the prosecutor had offered to drop that charge as part of the plea bargain”).

The decision in *Bordenkircher* also was influenced by the fact that, had the Court recognized a distinction of constitutional dimension between the dismissal of charges brought in an original indictment and the addition of charges after plea negotiation, the aggressive prosecutor would merely be prompted “to bring the greater charge initially in every case, and only thereafter to bargain.” *Id.*, at 368, 98 S.Ct., at 670 (BLACKMUN, J., dissenting). The consequences of such a decision often would be prejudicial to defendants, for an accused “would bargain against a greater charge, face the likelihood of increased bail, and run the risk that the court would be less inclined to accept a bargained plea.” *Ibid.* Moreover, in those cases in which a defendant accepted the prosecution's offer, his reputation would be spared the unnecessary damage that would result from the placement of the additional charge on the public record.

11 The Court in *Bordenkircher* stated that the validity of a pretrial charging decision must be measured against the broad discretion held by the prosecutor to select the charges against an accused. “Within the limits set by the legislature's constitutionally valid definition of chargeable offenses, ‘the conscious exercise of some selectivity in enforcement is not itself a federal constitutional violation’ so long as ‘the selection was [not] deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification.’” *Id.*, at 364, 98 S.Ct., at 668–69 (quoting *Oyler v. Boles*, 368 U.S. 448, 456, 82 S.Ct. 501, 506, 7 L.Ed.2d 446). A charging decision does not levy an improper “penalty” unless it results solely from the defendant's exercise of a protected legal right, rather than the prosecutor's normal assessment of the societal interest in prosecution. See Westen & Westin, *A Constitutional Law of Remedies for Broken Plea Bargains*, 66 Calif.L.Rev. 471, 486 (1978).

12 In rejecting a presumption of vindictiveness, the Court in *Bordenkircher* did not foreclose the possibility that a defendant might prove through objective evidence an improper prosecutorial motive. In the case before it, however, the Court did not find such proof in the fact that the prosecutor had stated explicitly that additional charges were brought to persuade the defendant to plead guilty. The fact that the prosecutor threatened the defendant did not prove that the action threatened was not permissible; the prosecutor's conduct did not establish that the additional charges were brought solely to “penalize” the defendant and could not be justified as a proper exercise of prosecutorial discretion.

13 See n. 12, *supra*.



14 We recognize that prosecutors may be trained to bring all legitimate charges against an individual at the outset. Certainly, a prosecutor should not file any charge until he has investigated fully all of the circumstances surrounding a case. To presume that every case is complete at the time an initial charge is filed, however, is to presume that every prosecutor is infallible—an assumption that would ignore the practical restraints imposed by often limited prosecutorial resources. Moreover, there are certain advantages in avoiding a rule that would compel prosecutors to attempt to place every conceivable charge against an individual on the public record from the outset. See n. 10, *supra*.



- 15 Respondent argues that the Court's refusal to presume vindictiveness in *Bordenkircher* is not controlling in this case because he had refused to plead guilty and the plea negotiation process was over. Respondent's argument is not strengthened, however, by the fact that the additional charge in this case was brought outside the context of plea negotiation. The fact that the increased charge in *Bordenkircher* was brought after a "warning" made during plea negotiation was the principal basis for the defendant's claim that the charge was an unjustified response to his legal right to stand trial. But cf. n. 12, *supra*. Respondent's argument in this case has no such predicate; unlike the defendant in *Bordenkircher*, the only evidence respondent is able to marshal in support of his allegation of vindictiveness is that the additional charge was brought at a point in time after his exercise of a protected legal right.
- 16 Cf. *Colten v. Kentucky*, 407 U.S., at 117, 92 S.Ct., at 1960.
- 17 Cf. *Chaffin v. Stynchcombe*, 412 U.S., at 27, 93 S.Ct., at 1983.
- 18 Indeed, there is a strong tradition in this country in favor of jury trials, despite the additional burdens that they entail for all parties. In many cases—and for many reasons—both the judge and the prosecutor may prefer to have a case tried by jury. See, e.g., *Vines v. Muncy*, 553 F.2d 342 (CA4 1977); *United States v. Morlang*, 531 F.2d 183 (CA4 1975); *United States v. Ceja*, 451 F.2d 399 (CA1 1971); see also *Fed.Rule Crim.Proc. 23(a)*. In *Singer v. United States*, 380 U.S. 24, 85 S.Ct. 783, 13 L.Ed.2d 630, this Court held that a criminal defendant does not have a constitutional right to waive a jury trial and to have his case tried before a judge alone. The Court stated: "Trial by jury has been established by the Constitution as the 'normal and ... preferable mode of disposing of issues of fact in criminal cases.' *Patton v. United States*, 281 U.S. 276, 312 [50 S.Ct. 253, 263, 74 L.Ed. 854]." *Id.*, at 35, 85 S.Ct., at 790.
- 19 As the Government states in its brief:
- "Accordingly, while the prosecutor's charging decision is presumptively lawful, and the prosecutor is not required to sustain any burden of justification for an increase in charges, the defendant is free to tender evidence to the court to support a claim that enhanced charges are a direct and unjustifiable penalty for the exercise of a procedural right. Of course, only in a rare case would a defendant be able to overcome the presumptive validity of the prosecutor's actions through such a demonstration." Brief for United States 28, n. 9.
- 1 Two counts of "speeding" and one count of "reckless driving," in violation of 36 CFR §§ 50.31, 50.32 (1981), are each punishable by fines of not more than \$500, or imprisonment for not more than six months, or both, 36 CFR § 50.5(a) (1981). One count of "failing to give aid at the scene of an accident," in violation of 18 U.S.C. §§ 7, 13, *Md.Transp.Code Ann. §§ 20–102, 20–104* (1977), is punishable by a fine of not more than \$1,000, or imprisonment for not more than four months, or both, §§ 27–101(c)(12), (14). One count of "fleeing from a police officer," in violation of 18 U.S.C. §§ 7, 13, *Md.Transp.Code Ann. § 21–904* (1977), is punishable by a fine of not more than \$500, § 27–101(b). One count of "assault by striking" a police officer, in violation of 18 U.S.C. § 113(d), is punishable by a fine of not more than \$500, or imprisonment for not more than six months, or both.
- 2 See *District of Columbia v. Colts*, 282 U.S. 63, 73–74, 51 S.Ct. 52, 53, 75 L.Ed. 177 (1930); *United States v. Hamdan*, 552 F.2d 276, 278–280 (CA9 1977); *United States v. Sanchez-Meza*, 547 F.2d 461, 464–465 (CA9 1976); *United States v. Potvin*, 481 F.2d 380, 381–383 (CA10 1973).
- 3 "Assaulting, resisting, or impeding" a federal officer with a deadly weapon, in violation of 18 U.S.C. § 111, is punishable by a fine of not more than \$10,000, or imprisonment for not more than 10 years, or both. "Assault with a dangerous weapon," in violation of 18 U.S.C. § 113(c), is punishable by a fine of not more than \$1,000, or imprisonment for not more than five years, or both. A third count in the new indictment was "fleeing from a police officer," in violation of 18 U.S.C. §§ 7, 13, *Md.Transp.Code Ann. § 21–904* (1977), which is punishable by a fine of not more than \$500, § 27–101(b). The fourth count of the indictment was "failure to appear," in violation of 18 U.S.C. § 3150.






## Filings (5)

Title	PDF	Court	Date	Type
<b>1. Reply Brief for the United States</b> UNITED STATES OF AMERICA, Petitioner, v. Learley Reed GOODWIN. 1982 WL 608755	—	U.S.	Mar. 24, 1982	Brief
<b>2. Brief for the Respondent</b> UNITED STATES OF AMERICA, Petitioner, v. Learley Reed GOODWIN. 1982 WL 608753	—	U.S.	Mar. 08, 1982	Brief
<b>3. Brief for the United States</b> UNITED STATES OF AMERICA, Petitioner, v. Learley Reed GOODWIN. 1982 WL 608751	—	U.S.	Jan. 22, 1982	Brief
<b>4. Appellant's Reply Brief</b> UNITED STATES OF AMERICA, Appellee, v. LEARLEY REED GOODWIN, Appellant. 1980 WL 357711		C.A.4	July 30, 1980	Brief
<b>5. Appellant's Brief</b> UNITED STATES OF AMERICA, Appellee, v. Learley Reed GOODWIN, Appellant. 1980 WL 357710		C.A.4	1980	Brief


















## Negative Treatment

### Negative Citing References (23)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:


Treatment	Title	Date	Type	Depth	Headnote(s)
Not Followed as Dicta	 1. <a href="#">U.S. v. Moore</a> <b>MOST NEGATIVE</b> 997 F.2d 30 , 5th Cir.(Tex.) Defendant appealed from four-level upward departure sentence imposed for assault of a federal officer. Defendant received the identical sentence which had been previously imposed...	June 30, 1993	Case		<a href="#">3</a> S.Ct.
Called into Doubt by	 2. <a href="#">U.S. v. Holland</a> 729 F.Supp. 125 , D.D.C. On one defendant's motion to dismiss indictment and second defendant's motion for reconsideration of denial of his motion to preclude application of sentencing guidelines, 726...	Jan. 11, 1990	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	 3. <a href="#">People v. Rodriguez</a> <b>”</b> 477 N.Y.S.2d 250 , N.Y.City Crim.Ct. At commencement of trial on previously reduced charge of attempted criminal possession of controlled substance in seventh degree, defendant moved to dismiss information. The...	Apr. 05, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	4. <a href="#">Cox v. State</a> 475 N.E.2d 664 , Ind. Defendant was convicted before the Circuit Court, Elkhart County, Gene R. Duffin, J., of murder, and he appealed. The Supreme Court, Givan, C.J., held that: (1) statements given...	Mar. 21, 1985	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	 5. <a href="#">Com. v. McGovern</a> <b>”</b> 494 N.E.2d 1298 , Mass. Defendant was convicted in the Superior Court, Norfolk County, Herbert F. Travers, Jr., J., of breaking and entering with intent to steal and of willful and malicious destruction...	July 09, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	6. <a href="#">State v. Mereness</a> <b>”</b> 395 N.W.2d 832 , Wis.App. Circuit Court, Rock County Affirmed	Sep. 25, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	 7. <a href="#">Adamson v. Ricketts</a> <b>”</b> 865 F.2d 1011 , 9th Cir.(Ariz.) Death sentence inmate brought habeas action. The United States District Court for the District of Arizona, C.A. Muecke, J., denied the petition without an evidentiary hearing. ...	Dec. 22, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	8. <a href="#">Dumas v. Strange</a> <b>”</b> 2002 WL 1608280 , D.Conn.	July 03, 2002	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
	Following conviction for carrying dangerous weapon without a permit, attempted second-degree larceny, attempted first-degree robbery, and violation of probation, defendant...				
Distinguished by	9. <a href="#">U.S. v. Rosenthal</a>  2007 WL 801647 , N.D.Cal. A jury convicted defendant Edward Rosenthal ("Rosenthal") of three counts related to the manufacture of marijuana. Over the government's objection, Rosenthal was sentenced to...	Mar. 14, 2007	Case		<a href="#">3</a> S.Ct.
Distinguished by	10. <a href="#">U.S. v. Webb</a>  2007 WL 4223839 , E.D.Tenn. This criminal matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge dated November 8, 2007. In that Report and Recommendation,...	Nov. 28, 2007	Case		<a href="#">3</a> S.Ct.
Distinguished by	11. <a href="#">State v. Aguilar</a>  223 P.3d 1158 , Wash.App. Div. 3 CRIMINAL JUSTICE - Bail. Defendant could be convicted of bail jumping even though court did not convene on date defendant failed to appear.	Sep. 03, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	12. <a href="#">People v. Hudson</a>  888 N.Y.S.2d 361 , N.Y.Sup. CRIMINAL JUSTICE - Sentencing. Defendant's double jeopardy and due process rights were not violated by decision to seek his re-sentencing.	Sep. 29, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	13. <a href="#">State v. Knowles</a>  239 P.3d 129 , Mont. CRIMINAL JUSTICE - Vindictive Prosecution. Appearance and reasonable likelihood of prosecutorial vindictiveness, based on new charges after mistrial, required retrial.	Aug. 24, 2010	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	14. <a href="#">People v. Ingram</a>  2011 WL 6157477 , Cal.App. 2 Dist. Defendant Tony Bernard Ingram appeals from a judgment of conviction entered after a jury trial. In the initial trial, the jury was unable to reach a verdict and the court declared...	Dec. 13, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	15. <a href="#">Walker v. U.S.</a>  2012 WL 902797 , S.D.Ga. Before the Court is Petitioner Charles W. Walker's Amended 28 U.S.C. § 2255 Petition. (Doc. 8.) For the reasons that follow, the Petition is DENIED. The Clerk of Court is...	Mar. 05, 2012	Case		<a href="#">3</a> S.Ct.
Distinguished by	16. <a href="#">Simms v. U.S.</a>  41 A.3d 482 , D.C. CRIMINAL JUSTICE - Vindictive Prosecution. Defendant was entitled to benefit of rebuttable pretrial presumption of vindictiveness when government added charge.	Apr. 12, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	 17. <a href="#">U.S. v. Chappell</a>  2012 WL 3984469 , D.Minn. THIS MATTER came before the undersigned United States Magistrate Judge on July 17, 2012, on the Defendant's Motion to Dismiss for Vindictive Prosecution. ECF No. 192. The matter...	July 18, 2012	Case		<a href="#">3</a> S.Ct.
Distinguished by	18. <a href="#">U.S. v. Ladeau</a>  2012 WL 5838125 , M.D.Tenn. Pending before the Court is the United States of America's ("Government") Motion to Reconsider Order to Dismiss Indictment ("Motion to Reconsider"), filed on May 16, 2012 (Doc....	Nov. 15, 2012	Case		<a href="#">3</a> S.Ct.
Distinguished by	 19. <a href="#">People v. Maldonado</a> 2013 WL 4659523 , Cal.App. 4 Dist. Defendant Hector Raul Maldonado appeals from his conviction of corporal injury to a cohabitant (Pen.Code, § 273.5, subd. (a); count 1) and assault likely to produce great bodily...	Aug. 30, 2013	Case		<a href="#">3</a> S.Ct.
Distinguished by	 20. <a href="#">U.S. v. LaDeau</a>  734 F.3d 561 , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Indictment and Information. Presumption of prosecutorial vindictiveness applied to superseding indictment charging conspiracy to receive child pornography.	Nov. 04, 2013	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by	21. <a href="#">Building Industry Assn. of Bay Area v. City of San Ramon</a> 208 Cal.Rptr.3d 320 , Cal.App. 1 Dist. GOVERNMENT — Public Improvements. Taxes under Mello-Roos Act were permitted to fund city services that met increased demand for existing services in districts created under Act.	Oct. 13, 2016	Case		<a href="#">3</a> S.Ct.
Distinguished by	 22. <a href="#">Johnson v. Superior Court</a>  208 Cal.Rptr.3d 807 , Cal.App. 2 Dist. CRIMINAL JUSTICE — Death Penalty. Expense and risk of witnesses retaliation were insufficient to rebut presumption of vindictiveness in new capital charges.	Oct. 27, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Distinguished by	 23. <a href="#">United States v. Terrell</a>  220 F.Supp.3d 941 , N.D.Iowa CRIMINAL JUSTICE — Prosecutorial Misconduct. Presumption of prosecutorial vindictiveness applied to refusal to continue to cooperate with defendant for substantial assistance...	Dec. 09, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

## History (4)



### Direct History (4)

 1. [U.S. v. Goodwin](#)  
637 F.2d 250 , 4th Cir.(Md.) , Jan. 09, 1981

*Certiorari Granted by*

2. [U.S. v. Goodwin](#)  
454 U.S. 1079 , U.S.Md. , Nov. 30, 1981

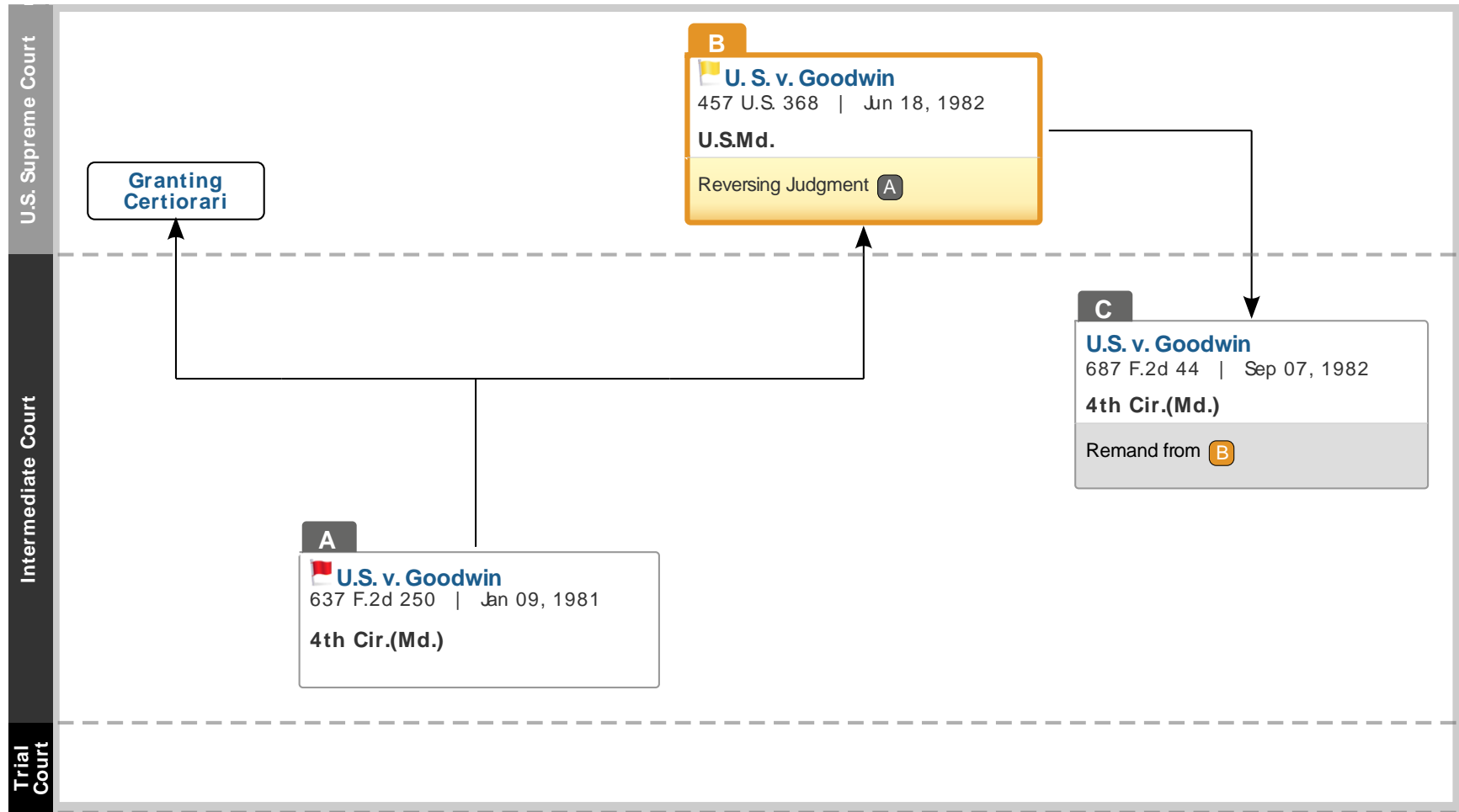
*AND Judgment Reversed by*

 3. [U. S. v. Goodwin](#)   
457 U.S. 368 , U.S.Md. , June 18, 1982















*On Remand to*
















4. [U.S. v. Goodwin](#)  
687 F.2d 44 , 4th Cir.(Md.) , Sep. 07, 1982





## Citing References (500)























Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by <b>NEGATIVE</b>	 <b>1. United States v. Terrell</b> ” 220 F.Supp.3d 941, 946+ , N.D.Iowa  CRIMINAL JUSTICE — Prosecutorial Misconduct. Presumption of prosecutorial vindictiveness applied to refusal to continue to cooperate with defendant for substantial assistance...	Dec. 09, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	 <b>2. U.S. v. LaDeau</b> ” 734 F.3d 561, 566+ , 6th Cir.(Tenn.)  CRIMINAL JUSTICE - Indictment and Information. Presumption of prosecutorial vindictiveness applied to superseding indictment charging conspiracy to receive child pornography.	Nov. 04, 2013	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>3. U.S. v. Ladeau</b> ” 2012 WL 5838125, *2+ , M.D.Tenn.  Pending before the Court is the United States of America's ("Government") Motion to Reconsider Order to Dismiss Indictment ("Motion to Reconsider"), filed on May 16, 2012 (Doc....	Nov. 15, 2012	Case		<a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	 <b>4. Simms v. U.S.</b> ” 41 A.3d 482, 487+ , D.C.  CRIMINAL JUSTICE - Vindictive Prosecution. Defendant was entitled to benefit of rebuttable pretrial presumption of vindictiveness when government added charge.	Apr. 12, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	 <b>5. State v. Knowles</b> ” 239 P.3d 129, 136+ , Mont.  CRIMINAL JUSTICE - Vindictive Prosecution. Appearance and reasonable likelihood of prosecutorial vindictiveness, based on new charges after mistrial, required retrial.	Aug. 24, 2010	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>6. People v. Hudson</b> ” 888 N.Y.S.2d 361, 365+ , N.Y.Sup.  CRIMINAL JUSTICE - Sentencing. Defendant's double jeopardy and due process rights were not violated by decision to seek his re-sentencing.	Sep. 29, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>7. Paradise v. CCI Warden</b> ” 136 F.3d 331, 335+ , 2nd Cir.(Conn.)  After defendant's capital felony conviction was upheld on direct appeal, 213 Conn. 388, 567 A.2d 1221, defendant petitioned for writ of habeas corpus. The United States District...	Feb. 11, 1998	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>8. U.S. v. Khan</b> ” 787 F.2d 28, 31+ , 2nd Cir.(N.Y.)  Defendant was convicted in the United States District Court for the Southern District of New York, Charles E. Stewart, Jr., J., of drug offenses and he appealed. The Court of...	Mar. 25, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<p> <b>9. U.S. v. Paramo</b> ¶¶</p> <p>998 F.2d 1212, 1219+ , 3rd Cir.(Pa.)</p> <p>Defendant was convicted in the United States District Court for the Eastern District of Pennsylvania, Jan E. DuBois, J., of five counts of money laundering, and he appealed. The...</p>	July 07, 1993	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>10. U.S. v. Esposito</b> ¶¶</p> <p>968 F.2d 300, 303+ , 3rd Cir.(N.J.)</p> <p>Defendant was convicted of narcotics offenses in the United States District Court for the District of New Jersey, Nicholas H. Politan, J., and he appealed. The Court of Appeals,...</p>	June 11, 1992	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>11. U.S. v. Wilson</b> ¶¶</p> <p>262 F.3d 305, 314+ , 4th Cir.(N.C.)</p> <p>CRIMINAL JUSTICE - Vindictive Prosecution. Escape charge was improperly dismissed on basis of vindictive prosecution.</p>	Aug. 16, 2001	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>12. U.S. v. Williams</b> ¶¶</p> <p>47 F.3d 658, 661+ , 4th Cir.(Va.)</p> <p>The United States District Court for the Eastern District of Virginia, Richard B. Kellam, Senior District Judge, dismissed indictment alleging distribution of crack cocaine. ...</p>	Feb. 15, 1995	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>13. U.S. v. Saltzman</b> ¶¶</p> <p>537 F.3d 353, 359+ , 5th Cir.(La.)</p> <p>CRIMINAL JUSTICE - Pleas. Withdrawal of guilty plea and superseding indictment including extra charge did not warrant presumption of vindictiveness.</p>	July 22, 2008	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>14. U.S. v. Molina-Iguado</b> ¶¶</p> <p>894 F.2d 1452, 1454+ , 5th Cir.(Tex.)</p> <p>Defendant was convicted after jury trial in the United States District Court for the Western District of Texas, Harry Lee Hudspeth, J., of knowingly and intentionally importing...</p>	Feb. 15, 1990	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>15. U.S. v. Krezdorn</b> ¶¶</p> <p>718 F.2d 1360, 1364+ , 5th Cir.(Tex.)</p> <p>Court of Appeals, 639 F.2d 1327, reversed conviction of United States immigration inspector for forging immigration documents, and remanded for new trial. Following reindictment...</p>	Nov. 10, 1983	Case		<p><a href="#">1</a></p> <p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>
Examined by	<p> <b>16. U.S. v. Krezdorn</b> ¶¶</p> <p>693 F.2d 1221, 1224+ , 5th Cir.(Tex.)</p> <p>The Court of Appeals, 639 F.2d 1327, reversed conviction of United States Immigration Inspector for forging immigration documents and remanded for new trial. Following...</p>	Dec. 23, 1982	Case		<p><a href="#">2</a></p> <p><a href="#">3</a></p> <p>S.Ct.</p>

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 <b>17. U.S. v. Poole</b> ¶¶ 407 F.3d 767, 774+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Sentencing. Remand for resentencing under advisory Sentencing Guidelines system was warranted.	May 10, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>18. U.S. v. Ribota</b> ¶¶ 792 F.3d 837, 840+ , 7th Cir.(Ill.) CRIMINAL JUSTICE - Vindictive Prosecution. Prosecution's decision to charge defendant with contempt of court following dismissal of initial charges was not vindictive prosecution.	July 10, 2015	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>19. U.S. v. Jarrett</b> ¶¶ 447 F.3d 520, 525+ , 7th Cir.(Ind.) CRIMINAL JUSTICE - Vindictive Prosecution. Prosecution of attorney for money laundering was not vindictive prosecution.	May 09, 2006	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>20. U.S. v. Napue</b> ¶¶ 834 F.2d 1311, 1329+ , 7th Cir.(Ill.) Defendant was convicted in the United States District Court for the Northern District of Illinois, James B. Moran, J., of possession of cocaine with intent to distribute,...	Nov. 19, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>21. U.S. v. Beede</b> ¶¶ 974 F.2d 948, 951+ , 8th Cir.(Minn.) Defendant was convicted of offenses relating to marijuana and firearm after jury trial in the United States District Court for the District of Minnesota, Donald D. Alsop, J....	Aug. 21, 1992	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>22. U.S. v. Kent</b> ¶¶ 649 F.3d 906, 909+ , 9th Cir.(Cal.) CRIMINAL JUSTICE - Vindictive Prosecution. Filing of information alleging defendant's prior felony convictions was not improperly motivated by vindictiveness.	May 24, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>23. U.S. v. Kent</b> ¶¶ 633 F.3d 920, 926+ , 9th Cir.(Cal.) CRIMINAL JUSTICE - Vindictive Prosecution. Government's filing of sentencing information was not improperly motivated by vindictiveness toward defendant.	Feb. 08, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>24. U.S. v. Banks</b> ¶¶ 682 F.2d 841, 845+ , 9th Cir.(Or.) Following reversal of suppression order and dismissal of indictment with prejudice, 628 F.2d 1139, the United States District Court for the District of Oregon, James A. Redden, J.,...	July 29, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>25. U.S. v. Gallegos-Curiel</b> ¶¶ 681 F.2d 1164, 1167+ , 9th Cir.(Ariz.) Prosecution appealed from an order of the United States District Court for the District of Arizona, Mary Anne Richey, J., dismissing felony indictment for illegal entry on ground...	July 21, 1982	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>26. United States v. Creighton</b> ¶ 853 F.3d 1160, 1162+ , 10th Cir.(Wyo.)  CRIMINAL JUSTICE — Pleas. Prosecutor informing defendant of eligibility for enhanced sentence that could be negotiated if defendant cooperated was not actual vindictiveness.	Apr. 11, 2017	Case		<a href="#">3</a> S.Ct.
Examined by	<b>27. U.S. v. Miller</b> ¶ 948 F.2d 631, 633+ , 10th Cir.(Okla.)  Defendant was convicted in the United States District Court for the Eastern District of Oklahoma, Frank Howell Seay, Chief Judge, of submitting false federal income tax refund...	Oct. 24, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>28. U.S. v. Raymer</b> ¶ 941 F.2d 1031, 1040+ , 10th Cir.(Okla.)  Defendant was convicted of various conspiracy and drug offenses after jury trial in the United States District Court for the Western District of Oklahoma, Layn R. Phillips, J. ...	July 24, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>29. U.S. v. Raymer</b> ¶ --- F.2d ----+ , 10th Cir.(Okla.)  By superseding indictment, defendant-appellant Samuel Scott Raymer was indicted in eight of ten counts of an indictment charging, in pertinent part, seven defendants with various...	May 29, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>30. U.S. v. Doran</b> ¶ 882 F.2d 1511, 1518+ , 10th Cir.(Utah)  Defendant was convicted before the United States District Court for the District of Utah, David K. Winder, J., of conspiracy to possess and distribute controlled substances,...	Aug. 14, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>31. Barritt v. Secretary, Florida Department of Corrections</b> 968 F.3d 1246, 1252+ , 11th Cir.(Fla.)  CRIMINAL JUSTICE — Habeas Corpus. State court reasonably determined that State did not engage in prosecutorial vindictiveness during plea negotiations.	Aug. 04, 2020	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>32. U.S. v. Barner</b> ¶ 441 F.3d 1310, 1315+ , 11th Cir.(Ga.)  CRIMINAL JUSTICE - Indictment and Information. Presumption of prosecutorial vindictiveness did not arise from filing of fifth superseding indictment.	Mar. 10, 2006	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>33. U.S. v. Spence</b> ¶ 719 F.2d 358, 361+ , 11th Cir.(Ga.)  The United States District Court for the Southern District of Georgia, William C. O'Kelley, District Judge, denied motion to dismiss tax evasion and false statement charges for...	Nov. 07, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>34. United States v. Slatten</b>  865 F.3d 767, 799+ , D.C.Cir.  MILITARY LAW — Homicide. Court possessed jurisdiction over criminal action arising from Iraqi attack pursuant to Military Extraterritorial Jurisdiction Act (MEJA).	Aug. 04, 2017	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>35. Maddox v. Elzie</b>  238 F.3d 437, 446+ , D.C.Cir.  CRIMINAL JUSTICE - Parole. Parole board's ex parte meeting with prosecutor did not deprive parolee of due process.	Jan. 12, 2001	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>36. U.S. v. Jones</b>  973 F.2d 928, 934+ , D.C.Cir.  Defendant was convicted of possession with intent to distribute 50 grams or more of substance containing cocaine base and was sentenced by the United States District Court for the...	Aug. 14, 1992	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>37. U.S. v. Mills</b>  925 F.2d 455, 461+ , D.C.Cir.  On one defendant's motion to dismiss indictment and second defendant's motion for reconsideration following denial of motion to preclude application of Sentencing Guidelines, 726...	Feb. 08, 1991	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	<b>38. Bartlett on Behalf of Neuman v. Bowen</b>  824 F.2d 1240, 1244+ , D.C.Cir.  The Court, on its own motion, has reconsidered appellee's suggestion for rehearing en banc. Upon such reconsideration, it is ORDERED, by the Court en banc, on its own motion,...	July 31, 1987	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>39. U.S. v. Meyer</b>  810 F.2d 1242, 1245+ , D.C.Cir.  Informations against political demonstrators who had been arrested outside the White House were dismissed on ground of prosecutorial vindictiveness by the United States District...	Feb. 13, 1987	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>40. Jurado v. Davis</b>  2018 WL 4405418, *35+ , S.D.Cal.  Presently before the Court are the remaining claims in the Second Amended Petition ["SAP"], namely Claims 2-4, 7-13, 15-32, 35-42, 44, and 46-48; Claims 1, 5-6, 14, 33-34, 43 and...	Sep. 17, 2018	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Examined by	 <b>41. Jacobs v. Long</b>  2015 WL 10578936, *16+ , C.D.Cal.  The Court submits this Report and Recommendation to the Honorable Valerie Baker Fairbank, United States District Judge, pursuant to 28 U.S.C. Section 636 and General Order 05-07 of...	Nov. 23, 2015	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>42. Michaels v. Chappell</b> ¶ 2014 WL 7047544, *28+ , S.D.Cal.  On October 24, 2013, Petitioner filed a brief in support of the Group Three Claims (Claims 1, 19, 22, 24, 27–31, 45–53, 55–73, and 75 of the First Amended Petition). (Doc. No....	Dec. 12, 2014	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>43. Matthews v. Holland</b> ¶ 2014 WL 5485712, *8+ , E.D.Cal.  Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent, warden of California Correctional Institution...	Oct. 29, 2014	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>44. Moore v. Chrones</b> ¶ 687 F.Supp.2d 1005, 1057+ , C.D.Cal.  CRIMINAL JUSTICE - Habeas Corpus. Alleged instructional error did not warrant federal habeas relief.	Jan. 14, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>45. U.S. v. McGiffen</b> ¶ 578 F.Supp. 899, 903+ , E.D.Cal.  Defendants moved to dismiss prosecution for drug offenses. The District Court, Price, J., held that: (1) there was no violation of defendants' Sixth Amendment speedy trial...	Dec. 21, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>46. United States v. Stanley</b> ¶ 2012 WL 13034442, *3+ , D.Colo.  This matter is before the court on Movant Andre Stanley's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. # 734). On April...	Dec. 28, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>47. McKinnon v. Jones</b> ¶ 2016 WL 2937463, *7+ , N.D.Fla.  Before the court is a second amended petition for writ of habeas corpus filed under 28 U.S.C. § 2254. (Doc. 35). Respondent filed an answer, submitting relevant portions of the...	Mar. 30, 2016	Case		<a href="#">3</a> S.Ct.
Examined by	<b>48. U.S. v. Gilley</b> ¶ 689 F.Supp. 1078, 1079+ , N.D.Fla.  Defendant, against whom federal prosecution was commenced based upon same conduct giving rise to state prosecution, with respect to which nolle prosequi had been entered after...	May 06, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>49. U.S. v. Rasco</b> ¶ 2010 WL 2160838, *2+ , S.D.Ga.  CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant faced a 311 year prison sentence before the government filed additional charges against him and thus could not establish a...	Mar. 08, 2010	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>50. U.S. v. Lamons</b> ¶ 2006 WL 1341303, *3+ , N.D.Ga.  This matter comes before the court on the defendant's "Motion to Dismiss for Vindictive Prosecution" [Doc. No. 173]. A hearing was held on the defendant's motion on May 3, 2006....	May 15, 2006	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.

















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>51. U.S. v. Vega</b> ¶ 2007 WL 2404580, *5+ , N.D.Ill.  A grand jury returned a four count indictment against Veronica Lopez Vega, charging her with committing perjury while testifying as a defendant in a criminal trial in July 2003, in...	Aug. 15, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>52. U.S. v. Gervasi</b> ¶ 562 F.Supp. 632, 636+ , N.D.Ill.  In prosecution of two attorneys and their client for conspiring to bribe police officer to arrange for dismissal of client's car theft charges, defendants moved to suppress...	Mar. 16, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>53. United States v. Young</b> ¶ 231 F.Supp.3d 33, 39+ , M.D.La.  CRIMINAL JUSTICE — Selective Prosecution. Defendant failed to demonstrate selective prosecution based on his refusal to cooperate in a public corruption investigation.	Feb. 06, 2017	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>54. U.S. v. McDaniel</b> ¶ 2006 WL 839095, *7+ , W.D.Mich.  Defendant Jackson McDaniel was originally charged in a two-count indictment on July 13, 2005, for knowingly and fraudulently making a false entry 1) in a Disclosure statement and...	Mar. 28, 2006	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>55. Wickner v. Fabian</b> ¶ 2007 WL 1201621, *3+ , D.Minn.  Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the...	Apr. 20, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>56. Sapien v. Bowersox</b> 2016 WL 6211280, *5+ , W.D.Mo.  Petitioner, a convicted state prisoner currently confined at the South Central Correctional Center in Licking, Missouri has filed pro se this federal petition for writ of habeas...	Oct. 24, 2016	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>57. U.S. v. Kruckel</b> ¶ 1993 WL 765648, *12+ , D.N.J.  Presently before the court are various pretrial motions by defendants Theodore Kruckel and Robert LiButti. A Grand Jury in Newark, New Jersey originally returned an Indictment...	Aug. 13, 1993	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>58. U.S. v. Cannistraro</b> ¶ 800 F.Supp. 30, 59+ , D.N.J.  Defendants charged with racketeering activities in violation of Racketeer Influenced and Corrupt Organizations Act (RICO), conspiracy to commit racketeering in violation of RICO,...	July 22, 1992	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>59. United States v. Delgado-Salazar</b> ¶ 487 F.Supp.3d 1181, 1187+ , D.N.M.  CRIMINAL JUSTICE — Vindictive Prosecution. Defendant failed to establish government acted with actual vindictiveness based on emails explaining evidence of additional crimes it was...	Apr. 24, 2020	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>60. United States v. Solis</b> ¶¶ 2015 WL 13651227, *3+ , D.N.M.  THIS MATTER is before the Court on Defendant Edgar Solis' Motion to Dismiss the Superseding Indictment for Vindictive and Retaliatory Prosecution and for Violations to His Right to...	Mar. 26, 2015	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>61. U.S. v. Neha</b> ¶¶ 376 F.Supp.2d 1230, 1232+ , D.N.M.  CRIMINAL JUSTICE - Prosecutorial Vindictiveness. Timing of superseding indictment, by itself, was insufficient to raise presumption of prosecutorial vindictiveness.	June 20, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>62. Curnen v. Yelich</b> ¶¶ 2015 WL 3827693, *6+ , S.D.N.Y.  Petitioner Jason Curnen brings this pro se habeas corpus petition pursuant to section 2254 of Title 28 of the United States Code. Curnen challenges his state court conviction...	June 19, 2015	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>63. Izaguirre v. Lee</b> ¶¶ 856 F.Supp.2d 551, 556+ , E.D.N.Y.  CRIMINAL JUSTICE - Habeas Corpus. Petitioner was entitled to habeas relief as to claim that sentence was unconstitutionally vindictive.	Apr. 25, 2012	Case		<a href="#">3</a> S.Ct.
Examined by	<b>64. U.S. v. Sattar</b> ¶¶ 314 F.Supp.2d 279, 311+ , S.D.N.Y.  CRIMINAL JUSTICE - Terrorism. Terrorist's attorney and others could be charged with providing material support to terrorists.	Apr. 20, 2004	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>65. U.S. v. King</b> ¶¶ 1997 WL 527867, *3+ , S.D.N.Y.  Defendants move for dismissal of the superseding indictment (i) as to defendant Don King Productions, Inc. ("DKP"), on the ground of prosecutorial vindictiveness, and (ii) as to...	Aug. 22, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>66. Faux v. Jones</b> ¶¶ 1993 WL 20217, *2+ , W.D.N.Y.  The above-named petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 affording him release from the custody of New York's Department of Correctional Services. ...	Jan. 19, 1993	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>67. U.S. v. Pitera</b> ¶¶ 795 F.Supp. 546, 568+ , E.D.N.Y.  Defendant charged with committing murders while engaged in or working in furtherance of continuing criminal enterprise, and against whom government sought death penalty, filed...	May 26, 1992	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>68. U.S. v. Dimora</b> ¶¶ 2012 WL 78157, *2+ , N.D. Ohio  Before the Court is the motion of defendant James C. Dimora to dismiss the indictment for vindictive prosecution and request to conduct discovery. (Doc No. 571.) Dimora has...	Jan. 09, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>69. Mills v. Workman</b> ¶ 2009 WL 723478, *6+ , W.D.Okla.  On February 12, 2009, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation in this matter and recommended that the Petition for Writ of...	Mar. 13, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>70. United States v. Rinaldi</b> ¶ 2020 WL 4318757, *3+ , M.D.Pa.  Presently before the Court is Defendant Michael Rinaldi's "Motion to Dismiss" (Doc. 245). On August 21, 2018, a federal Grand Jury charged Defendants Michael Rinaldi, Dwayne Romail...	July 27, 2020	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>71. United States v. Ponder</b> ¶ 2017 WL 2541062, *4+ , M.D.Pa.  Defendants Frank Ponder and Marvin C. Poland were charged by way of indictment on March 10, 2016. An information against each defendant establishing prior convictions of...	June 12, 2017	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>72. Balsavage v. Wetzel</b> ¶ 936 F.Supp.2d 505, 515+ , E.D.Pa.  CRIMINAL JUSTICE - Sentencing. Sentencing judge's increase in defendant's sentence at resentencing amounted to actual vindictiveness.	Mar. 20, 2013	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Examined by	<b>73. U.S. v. Berberena</b> ¶ 640 F.Supp.2d 629, 631+ , E.D.Pa.  CRIMINAL JUSTICE - Pleas. No presumption of vindictiveness applied in Government's refusal to offer defendant previously rejected plea agreement.	July 28, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>74. Odom v. Adger</b> ¶ 2016 WL 5933972, *11+ , D.S.C.  Petitioner Anthony Clark Odom ("Petitioner") is in the custody of the South Carolina Department of Probation, Parole, and Pardon services, serving five years of probation following...	Oct. 12, 2016	Case		<a href="#">3</a> S.Ct.
Examined by	<b>75. United States v. Booher</b> ¶ 2021 WL 1124761, *4+ , E.D.Tenn.  This criminal matter is before the Court on defendant's Motion to Dismiss [Doc. 33], in which he seeks dismissal of Counts Three, Four, and Five of the First Superseding Indictment...	Mar. 24, 2021	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>76. United States v. Hefner</b> ¶ 2019 WL 3386277, *8+ , E.D.Tenn.  All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the...	Apr. 29, 2019	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>77. U.S. v. McQuiddy</b> ¶ 2013 WL 317965, *4+ , M.D.Tenn.  Pending before the Court are Motions to Dismiss for Vindictive Prosecution and Abuse of Grand Jury ("Motions to Dismiss"), filed by Defendants Omega Harris, Paul McQuiddy, and...	Jan. 28, 2013	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>78. U.S. v. Thomas</b> ¶¶ 2007 WL 2914912, *1+ , M.D.Tenn.  The defendant has filed a Motion to Dismiss Counts Two, Three, and Four of the Superseding Indictment (Docket No. 79), to which the government has responded in opposition, (Docket...	Oct. 04, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>79. Turner v. State of Tenn.</b> ¶¶ 664 F.Supp. 1113, 1118+ , M.D.Tenn.  Habeas petition was filed, in which petitioner alleged that his pending retrial would deprive him of his Sixth Amendment right to effective assistance of counsel and his Fourteenth...	June 12, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>80. United States v. Shults</b> ¶¶ 2018 WL 5046427, *2+ , N.D.Tex.  Before the Court is the Opposed Motion to Dismiss with Prejudice Count 10 for Prosecutorial Vindictiveness [ECF No. 898] filed by Gerald Shults and Amy Herrig ("Defendants"). For...	Sep. 20, 2018	Case		<a href="#">3</a> S.Ct.
Examined by	<b>81. Looney v. U.S.</b> ¶¶ 2012 WL 3777416, *5+ , N.D.Tex.  Under the authority of 28 U.S.C. § 636(b) and Rules 8(b) and 10 of the Rules Governing Section 2254 Proceedings for the United States District Courts, this case was referred to the...	Aug. 01, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>82. United States v. Matish</b> ¶¶ 2016 WL 3143829, *2+ , E.D.Va.  This matter is before the Court on Defendant Edward Matish, III's ("Defendant" or "Matish") Motion to Dismiss Counts 5–8 of the Superseding Indictment, Doc. 35. On February 8,...	June 02, 2016	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>83. United States v. Erazo-Santa</b> ¶¶ 235 F.Supp.3d 1071, 1074+ , E.D.Wis.  CRIMINAL JUSTICE — Extradition and Detainers. Defendant failed to show a pattern of negligence favoring dismissal with prejudice under the Interstate Agreement on Detainers (IAD).	Jan. 20, 2017	Case		<a href="#">3</a> S.Ct.
Examined by	<b>84. United States v. Erazo-Santa</b> ¶¶ 2016 WL 11214722, *4+ , E.D.Wis.  Angel Erazo–Santa is charged in this district with Hobbs Act Robbery, in violation of 18 U.S.C. § 1951(a) and with brandishing a firearm during the robbery, in violation of 18...	Dec. 22, 2016	Case		<a href="#">3</a> S.Ct.
Examined by	<b>85. Martinez v. U.S.</b> ¶¶ 18 Cl.Ct. 559, 564+ , Cl.Ct.  Dishonorably discharged noncommissioned officer of United States Army brought suit alleging illegal discharge and seeking order voiding his court-martial conviction, correcting his...	Nov. 03, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>86. State v. Mieg</b> ¶¶ 239 P.3d 1258, 1260+ , Ariz.App. Div. 1  CRIMINAL JUSTICE - Prosecutorial Misconduct. State's decision adding charge after mistrial was not prosecutorial vindictiveness.	Oct. 07, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 <b>87. State v. Brun</b> ¶¶ 950 P.2d 164, 165+ , Ariz.App. Div. 1 Defendant was charged with misdemeanor driving under the influence (DUI), but state subsequently dismissed misdemeanor charge and refiled case as a felony. The Superior Court,...	Dec. 11, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>88. State v. Tsoisie</b> ¶¶ 832 P.2d 700, 702+ , Ariz.App. Div. 1 In prosecution for resisting arrest and aggravated assault, the Superior Court of Coconino County, Cause No. CR-14883-89, H. Jeffrey Coker, J., dismissed indictment upon finding...	June 02, 1992	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>89. Gardner v. State</b> ¶¶ 963 S.W.2d 590, 594+ , Ark. Defendant was convicted in the Circuit Court, Arkansas County, Russell Rogers, J., of criminal attempt to commit murder in the first degree and battery in the first degree. ...	Feb. 26, 1998	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>90. In re Bower</b> ¶¶ 215 Cal.Rptr. 267, 270+ , Cal. A petition was filed seeking a writ of habeas corpus. The Supreme Court, Reynoso, J., held that a due process violation occurred when the prosecution increased the severity of...	June 24, 1985	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>91. Twiggs v. Superior Court</b> ¶¶ 194 Cal.Rptr. 152, 160+ , Cal. Criminal defendant sought a writ of prohibition or mandate to prohibit the Superior Court from proceeding to retry him without ordering disclosure of the "identity" of the...	Aug. 25, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>92. Johnson v. Superior Court</b> ¶¶ 2017 WL 4310122, *4+ , Cal.App. 2 Dist. Due process protects a defendant from vindictive prosecution, that is, an increase in sentence or charges after his or her exercise of a constitutional or statutory right under...	Sep. 28, 2017	Case		<a href="#">3</a> S.Ct.
Examined by	 <b>93. People v. West</b> ¶¶ 2012 WL 1450594, *2+ , Cal.App. 6 Dist. Defendant Brandon Nelson West appeals from a judgment entered after he pleaded no contest to forgery and was sentenced to a term of 16 months to be served consecutive to the prison...	Apr. 27, 2012	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>94. People v. Matthews</b> ¶¶ 2011 WL 1734226, *3+ , Cal.App. 5 Dist. Defendant appeals the judgment of conviction after jury trial, which he contends was the result of vindictive prosecution. He pled no contest to the charge originally made against...	May 06, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 <b>95. People v. Cortez</b> ¶ 2006 WL 2497587, *2+ , Cal.App. 5 Dist. Respondent Martha Cortez was charged by a single-count criminal complaint with contributing to the delinquency of a minor (Pen.Code, § 272, subd. (a)(1)), a misdemeanor. Cortez...	Aug. 29, 2006	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>96. People v. Bracey</b> ¶ 26 Cal.Rptr.2d 730, 736+ , Cal.App. 5 Dist. Vindictive Prosecution. Presumption of vindictive prosecution did not arise as to refiling of new criminal charges following reinstatement of defendant's probation without...	Jan. 20, 1994	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>97. People v. Lucious</b> ¶ 200 Cal.Rptr. 251, 254+ , Cal.App. 4 Dist. Defendant was convicted in consolidated prosecutions before the Superior Court, San Diego County, David M. Gill, J., of assault with intent to commit rape, attempted robbery and...	Mar. 21, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>98. U.S. v. Mahdi</b> ¶ 777 A.2d 814, 819+ , D.C. CRIMINAL JUSTICE - Vindictive Prosecution. Recharge and additional charge after filing of civil rights action was not malicious prosecution.	Aug. 02, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>99. Shiel v. U.S.</b> 515 A.2d 405, 410+ , D.C. Defendants were convicted in the Superior Court, District of Columbia, Geoffrey M. Alprin, J., of unlawful entry, and defendants appealed. The Court of Appeals, Belson, J., held...	Sep. 10, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>100. Brandenburg v. State</b> ¶ 663 S.E.2d 844, 851+ , Ga.App. CRIMINAL JUSTICE - Indictment and Information. State's omission of name of owner of articles alleged to have been taken did not render indictment defective.	June 25, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>101. People v. Jophlin</b> ¶ 99 N.E.3d 597, 606+ , Ill.App. 4 Dist. CRIMINAL JUSTICE — Driving While Intoxicated. Evidence was sufficient to support convictions of aggravated driving under the influence of alcohol and driving with license revoked...	Mar. 20, 2018	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>102. People v. Kun Lee</b> ¶ 954 N.E.2d 338, 342+ , Ill.App. 2 Dist. CRIMINAL JUSTICE - Vindictive Prosecution. No presumption of vindictiveness arose from prosecutor's refiling of dismissed charge after reversal of convictions.	June 29, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>103. People v. Brexton</b> 939 N.E.2d 1076, 1083+ , Ill.App. 2 Dist. CRIMINAL JUSTICE - Indictment and Information. State acted with vindictiveness when it filed burglary charge following withdrawal of guilty plea to retail theft charge.	Dec. 03, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>104. People v. Hall</b> ¶¶ 726 N.E.2d 213, 216+ , Ill.App. 4 Dist. CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant did not establish actual prosecutorial vindictiveness.	Mar. 10, 2000	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>105. Commonwealth v. Perry</b> ¶¶ 507 S.W.3d 588, 592+ , Ky.App. CRIMINAL JUSTICE — Indictment and Information. Defendant failed to establish the prosecutor acted in a vindictive manner when he filed new charges against defendant after defendant...	July 15, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Examined by	<b>106. Com. v. Damiano</b> ¶¶ 441 N.E.2d 1046, 1052+ , Mass.App.Ct. Defendant, arraigned on 37 indictments charging him with unnatural sexual intercourse with, and abuse of, children under age of 16, offered pleas of guilty to all indictments. ...	Nov. 04, 1982	Case		—
Examined by	<b>107. Hartman v. State</b> ¶¶ 156 A.3d 886, 902+ , Md. CRIMINAL JUSTICE — Pleas. Plea agreement reached in proceedings in district court was no longer enforceable when defendant filed de novo appeal to circuit court.	Mar. 27, 2017	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>108. Burton v. Mumford</b> ¶¶ 101 A.3d 577, 594+ , Md.App. CRIMINAL JUSTICE - Extradition and Detainers. Telling defendant he would be extradited to a death penalty state unless he accepted plea offer did not violate due process.	Oct. 08, 2014	Case		<a href="#">3</a> S.Ct.
Examined by	<b>109. Swinson v. State</b> ¶¶ 527 A.2d 56, 59+ , Md.App. Defendant was convicted by the Circuit Court, Kent County, George B. Rasin, Jr., J., of driving while under the influence of alcohol and of failing to keep right of center, and he...	June 16, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>110. State v. Pettee</b> ¶¶ 538 N.W.2d 126, 132+ , Minn. Defendant was convicted in the District Court, Hennepin County, of second-degree murder, and he appealed from determination that after dismissal of first indictment, State could...	Oct. 06, 1995	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>111. State ex rel. Becker v. Wood</b> ¶¶ 611 S.W.3d 510, 514+ , Mo. CRIMINAL JUSTICE — Prosecutorial Misconduct. Allegations regarding prosecutor's rationale for seeking death penalty were insufficient to create presumption of vindictiveness.	Nov. 03, 2020	Case		<a href="#">3</a> S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 <b>112. State v. Potts</b> ¶ 181 S.W.3d 228, 233+ , Mo.App. S.D. CRIMINAL JUSTICE - Vindictive Prosecution. State failed to overcome presumption of prosecutorial vindictiveness.	Nov. 23, 2005	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>113. State v. Hill</b> ¶ 810 S.E.2d 410, 410+ , N.C.App. Scott Alton Hill ("Defendant") appeals from a 19 January 2017 judgment entered after a jury convicted him of three counts of common law robbery, four counts of trafficking...	Mar. 06, 2018	Case		<a href="#">3</a> S.Ct.
Examined by	<b>114. State v. Ford</b> ¶ 525 S.E.2d 218, 220+ , N.C.App. CRIMINAL JUSTICE - Witnesses. Victim who was four years old at time of alleged sexual abuse was competent to testify.	Feb. 15, 2000	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>115. State v. Rogers</b> ¶ 315 S.E.2d 492, 508+ , N.C.App. The Superior Court, Wake County, Anthony M. Brannon, J., entered judgment convicting defendant, an attorney, of standing bail bond for a person not a member of his immediate family...	May 15, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>116. State In Interest of A.B.</b> ¶ 2016 WL 442638, *2+ , N.J.Super.A.D. By leave granted, the State appeals from the Family Part's January 8, 2015 order barring the State from filing a juvenile delinquency complaint charging A.B. with what would have...	Feb. 03, 2016	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>117. State v. Ruberte</b> ¶ 2009 WL 3762846, *4+ , N.J.Super.A.D. CRIMINAL JUSTICE - Prosecutorial Misconduct. The trial judge erred in dismissing an attempted murder charge for prosecutorial vindictiveness that was added to the original...	Nov. 10, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	 <b>118. State v. Gomez</b> ¶ 775 A.2d 645, 649+ , N.J.Super.A.D. CRIMINAL JUSTICE - Vindictive Prosecution. No presumption of prosecutorial vindictiveness exists for adding charges to indictment before trial.	July 02, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>119. State v. Bauman</b> ¶ 689 A.2d 173, 187+ , N.J.Super.A.D. CRIMINAL JUSTICE - Indictment and Information. Defendant failed to demonstrate any vindictiveness by prosecutor in obtaining a superseding 39-count indictment after defendant...	Feb. 27, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>120. State v. Wilson</b> ¶ 547 N.E.2d 1185, 1186+ , Ohio App. 8 Dist. Defendant was convicted by jury in the Cuyahoga County Court of Common Pleas of robbery with aggravating felony specification, and he appealed. The Court of Appeals for Cuyahoga...	Apr. 18, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>121. State v. Sabo</b> ¶ 1986 WL 9705, *2+ , Ohio App. 4 Dist.  This is an appeal from a judgment of the Athens County Court of Common Pleas. Larry Sabo, pleaded no contest to one count of Complicity in Aggravated Murder and one count of...	Sep. 05, 1986	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>122. State v. Kadderly</b> ¶ 31 P.3d 1108, 1110+ , Or.App.  CRIMINAL JUSTICE - Selective Prosecution. Charging defendant after not cooperating before grand jury did not amount to vindictive or selective prosecution.	Sep. 05, 2001	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>123. State v. Nelson</b> ¶ 999 P.2d 1161, 1164+ , Or.App.  CRIMINAL JUSTICE - Indictment and Information. Claim of vindictive prosecution requires proof of "actual vindictiveness."	Mar. 15, 2000	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>124. Miller v. State</b> ¶ 344 N.W.2d 78, 81+ , S.D.  Proceeding was instituted on a petition for postconviction relief. The Circuit Court, Seventh Judicial Circuit, Pennington County, Marshall P. Young, J., denied petition, and...	Jan. 25, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>125. State v. Phipps</b> ¶ 959 S.W.2d 538, 541+ , Tenn.  CRIMINAL JUSTICE - Vindictive Prosecution. Pursuit of death penalty following successful appeal of conviction for which death penalty had not been sought triggered rebuttable...	Dec. 22, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>126. State v. Fair</b> ¶ 2009 WL 2501991, *5+ , Tenn.Crim.App.  Following a jury trial, Defendants, J.C. Fair and Krederick Fair, were convicted of aggravated robbery, a Class B felony. Each Defendant was sentenced as a Range II, multiple...	Aug. 14, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>127. State v. Harris</b> ¶ 2000 WL 5040, *4+ , Tenn.Crim.App.  The Defendant, James Harris, appeals as of right his sentence imposed by the trial court after a remand from this Court. He was originally indicted in December 1987 by an Anderson...	Jan. 05, 2000	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>128. State v. Saunders</b> ¶ 1999 WL 233537, *2+ , Tenn.Crim.App.  The State of Tennessee appeals the trial court's dismissal of an indictment for DUI against Defendant, Drew V. Saunders. Defendant urges this Court to affirm the dismissal, arguing...	Apr. 22, 1999	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>129. Barrett v. Commonwealth</b> ¶ 597 S.E.2d 104, 106+ , Va.  CRIMINAL JUSTICE - Child Neglect. Evidence was sufficient to support convictions for Class Four and Class Six criminal neglect.	June 10, 2004	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.





















Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	<b>130. Barrett (Clark) v. Commonwealth</b> 585 S.E.2d 355, 362+ , Va.App. CRIMINAL JUSTICE - Vindictive Prosecution. Prosecutor's decision to file additional charge for child neglect following defendant's successful appeal was not presumptively...	Aug. 26, 2003	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>131. State v. Korum</b> 141 P.3d 13, 21+ , Wash. CRIMINAL JUSTICE - Vindictive Prosecution. Adding charges after defendant withdrew guilty plea was not vindictive prosecution.	Aug. 17, 2006	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>132. State v. Naydior</b> 678 N.W.2d 220, 233+ , Wis. CRIMINAL JUSTICE - Sentencing. Presumption of vindictiveness did not apply with respect to increased sentence defendant received upon resentencing.	Apr. 15, 2004	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>133. State v. Church</b> 665 N.W.2d 141, 148+ , Wis. CRIMINAL JUSTICE - Sentencing. Increased sentence on resentencing was presumptively vindictive and was unsupported by objective new factors.	July 01, 2003	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>134. State v. Johnson</b> 605 N.W.2d 846, 851+ , Wis. CRIMINAL JUSTICE - Prosecutorial Misconduct. No presumption of prosecutorial vindictiveness arose from filing new charges after mistrial.	Feb. 18, 2000	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>135. State v. Williamson</b> 627 N.W.2d 548, 548+ , Wis.App. Jeffrey P. Williamson appeals his judgments of conviction and an order denying his postconviction motion to withdraw his guilty and no contest pleas. Williamson was convicted after...	Mar. 06, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Examined by	<b>136. State v. Johnson</b> 588 N.W.2d 330, 333+ , Wis.App. CRIMINAL JUSTICE - Postconviction Relief. Postconviction petitioner made prima facie case of prosecutorial vindictiveness.	Nov. 10, 1998	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <span style="border: 1px solid red; padding: 1px;">NEGATIVE</span>	<b>137. Johnson v. Superior Court</b> 208 Cal.Rptr.3d 807, 815+ , Cal.App. 2 Dist. CRIMINAL JUSTICE — Death Penalty. Expense and risk of witnesses retaliation were insufficient to rebut presumption of vindictiveness in new capital charges.	Oct. 27, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Distinguished by <span style="border: 1px solid red; padding: 1px;">NEGATIVE</span>	<b>138. U.S. v. Chappell</b> 2012 WL 3984469, *2+ , D.Minn. THIS MATTER came before the undersigned United States Magistrate Judge on July 17, 2012, on the Defendant's Motion to Dismiss for Vindictive Prosecution. ECF No. 192. The matter...	July 18, 2012	Case		<a href="#">3</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by <b>NEGATIVE</b>	<b>139. Walker v. U.S.</b> ¶ 2012 WL 902797, *8+ , S.D.Ga.  Before the Court is Petitioner Charles W. Walker's Amended 28 U.S.C. § 2255 Petition. (Doc. 8.) For the reasons that follow, the Petition is DENIED. The Clerk of Court is...	Mar. 05, 2012	Case		<a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>140. People v. Ingram</b> ¶ 2011 WL 6157477, *3+ , Cal.App. 2 Dist.  Defendant Tony Bernard Ingram appeals from a judgment of conviction entered after a jury trial. In the initial trial, the jury was unable to reach a verdict and the court declared...	Dec. 13, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>141. State v. Aguilar</b> ¶ 223 P.3d 1158, 1164+ , Wash.App. Div. 3  CRIMINAL JUSTICE - Bail. Defendant could be convicted of bail jumping even though court did not convene on date defendant failed to appear.	Sep. 03, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>142. Dumas v. Strange</b> ¶ 2002 WL 1608280, *13+ , D.Conn.  Following conviction for carrying dangerous weapon without a permit, attempted second-degree larceny, attempted first-degree robbery, and violation of probation, defendant...	July 03, 2002	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>143. Adamson v. Ricketts</b> ¶ 865 F.2d 1011, 1019+ , 9th Cir.(Ariz.)  Death sentence inmate brought habeas action. The United States District Court for the District of Arizona, C.A. Muecke, J., denied the petition without an evidentiary hearing. ...	Dec. 22, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Distinguished by <b>NEGATIVE</b>	<b>144. Com. v. McGovern</b> ¶ 494 N.E.2d 1298, 1300+ , Mass.  Defendant was convicted in the Superior Court, Norfolk County, Herbert F. Travers, Jr., J., of breaking and entering with intent to steal and of willful and malicious destruction...	July 09, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>145. Alabama v. Smith</b> ¶ 109 S.Ct. 2201, 2204+ , U.S.Ala.  Defendant pleaded guilty before the Circuit Court, Montgomery County, Charles Price, J., to first-degree rape and first-degree burglary. Defendant appealed. The Court of...	June 12, 1989	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>146. Town of Newton v. Rumery</b> 107 S.Ct. 1187, 1194+ , U.S.N.H.  Plaintiff brought suit under section 1983, alleging that town and its officers violated his constitutional rights by arresting him, defaming him, and imprisoning him falsely. The...	Mar. 09, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>147. Texas v. McCullough</b> ¶ 106 S.Ct. 976, 977+ , U.S.Tex.  Following retrial, the defendant was convicted in a Texas state court of murder and received a greater sentence than that previously imposed by the jury in the first trial, and he...	Feb. 26, 1986	Case		<a href="#">3</a> S.Ct.
Discussed by	 <b>148. Wasman v. U.S.</b> ¶ 104 S.Ct. 3217, 3221+ , U.S.Fla.  Following reversal of petitioner's conviction for knowingly and willfully making false statements in passport application, 641 F.2d 326, petitioner was retried on that charge and...	July 03, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>149. Thigpen v. Roberts</b> ¶ 104 S.Ct. 2916, 2919+ , U.S.Miss.  A magistrate's report recommending habeas corpus relief for a state prisoner was adopted by the United States District Court for the Northern District of Mississippi, and the Court...	June 27, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>150. U.S. v. Jenkins</b> 537 F.3d 1, 3+ , 1st Cir.(R.I.)  CRIMINAL JUSTICE - Vindictive Prosecution. The defendant failed to demonstrate circumstances warranting a presumption that his prosecution was vindictive.	July 18, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>151. U.S. v. Yeje-Cabrera</b> 430 F.3d 1, 26+ , 1st Cir.(Mass.)  CRIMINAL JUSTICE - Sentencing. District court was not justified in reducing sentence after trial based on government's conduct during plea bargaining.	Nov. 02, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>152. Johnson v. Vose</b> ¶ 927 F.2d 10, 11+ , 1st Cir.(Mass.)  Following affirmance of his convictions for armed robbery and armed assault with intent to commit robbery, the defendant petitioned for a writ of habeas corpus. The United States...	Feb. 27, 1991	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>153. U.S. v. Richards</b> ¶ 915 F.2d 1556, 1556+ , 1st Cir.(Mass.)  D.Mass. AFFIRMED.	Aug. 15, 1990	Case		<a href="#">3</a> S.Ct.
Discussed by	 <b>154. U.S. v. Pimienta-Redondo</b> ¶ 874 F.2d 9, 13+ , 1st Cir.(Puerto Rico)  Defendants were convicted in the United States District Court for the District of Puerto Rico, Carmen Consuelo Cerezo, J., of two drug-related offenses, and they appealed. The...	Apr. 28, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>155. U.S. v. Marrapese</b> ¶ 826 F.2d 145, 147+ , 1st Cir.(R.I.)  Defendant was convicted in the United States District Court for the District of Rhode Island, Bruce M. Selya, J., of obstruction of justice, and defendant appealed. The Court of...	Aug. 14, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>156. Longval v. Meachum</b> 693 F.2d 236, 237+ , 1st Cir.(Mass.) State prisoner appealed from a judgment of dismissal entered by the United States District Court for the District of Massachusetts, Walter Jay Skinner, J., denying his petition for...	Nov. 24, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>157. U.S. v. Tanaka</b> ¶¶ 644 Fed.Appx. 36, 37+ , 2nd Cir.(N.Y.) CRIMINAL JUSTICE - Fines. Imposition of \$10 million fine on defendants convicted of securities fraud was plain error.	Mar. 23, 2016	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>158. U.S. v. Singletary</b> ¶¶ 458 F.3d 72, 74+ , 2nd Cir.(N.Y.) CRIMINAL JUSTICE - Sentencing. Imposition of 12 additional months of imprisonment upon remand for resentencing was not presumptively vindictive.	July 19, 2006	Case		<a href="#">3</a> S.Ct.
Discussed by	 <b>159. U.S. v. Sanders</b> ¶¶ 211 F.3d 711, 716+ , 2nd Cir.(N.Y.) CRIMINAL JUSTICE - Obstructing Justice. Guilty intent was not element of removal of property from aircraft that had been involved in accident.	May 04, 2000	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>160. U.S. v. White</b> ¶¶ 972 F.2d 16, 19+ , 2nd Cir.(N.Y.) Defendant was convicted of conspiracy to possess heroin with intent to distribute after jury trial in the United States District Court for the Southern District of New York,...	Aug. 03, 1992	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>161. U.S. v. Hinton</b> ¶¶ 703 F.2d 672, 678+ , 2nd Cir.(N.Y.) Defendant was convicted before the United States District Court for the Eastern District of New York, Charles P. Sifton, J., of unlawfully taking with intent to steal and purloin...	Mar. 22, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>162. U.S. v. Ng</b> ¶¶ 699 F.2d 63, 67+ , 2nd Cir.(Vt.) United States appealed from an order of the United States District Court for the District of Vermont, James S. Holden, Chief Judge, dismissing an indictment charging federal...	Jan. 13, 1983	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>163. United States v. Ponder</b> ¶¶ 738 Fed.Appx. 114, 116+ , 3rd Cir.(Pa.) CRIMINAL JUSTICE — Prosecutorial Misconduct. Government's conduct in filing a superseding indictment expanding the scope of the conspiracy charge did not constitute prosecutorial...	June 21, 2018	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>164. U.S. v. Taylor</b> ¶¶ 379 Fed.Appx. 240, 245+ , 3rd Cir.(N.J.) CRIMINAL JUSTICE - Discovery. Government's failure to preserve security tape recorded on day of robbery did not violate defendants' due process rights.	May 10, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.












Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>165. U.S. v. Oliver</b>  787 F.2d 124, 126+ , 3rd Cir.(Pa.) Defendant was convicted in the United States District Court for the Eastern District of Pennsylvania, Donald W. VanArtsdalen, J., of possession of a firearm. He appealed. The...	Mar. 31, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>166. Austin v. Plumley</b>  565 Fed.Appx. 175, 187+ , 4th Cir.(W.Va.) CRIMINAL JUSTICE - Habeas Corpus. conditional writ was appropriate remedy for judicial vindictiveness in resentencing process.	Apr. 07, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>167. U.S. v. Hill</b>  93 Fed.Appx. 540, 545+ , 4th Cir.(Va.) CRIMINAL JUSTICE - Vindictive Prosecution. Failure to give prosecution opportunity to rebut presumption of vindictive prosecution constituted clear legal error.	Apr. 02, 2004	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>168. U.S. v. Perry</b>  335 F.3d 316, 320+ , 4th Cir.(Md.) CRIMINAL JUSTICE - Vindictive Prosecution. Presumption of prosecutorial vindictiveness did not apply to addition of charge after mistrial.	July 11, 2003	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>169. U.S. v. Rivera</b>  58 Fed.Appx. 1, 3+ , 4th Cir.(N.C.) CRIMINAL JUSTICE - Indictment and Information. Indictment on federal charges was not a vindictive prosecution.	Jan. 06, 2003	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>170. U.S. v. Fiel</b>  35 F.3d 997, 1007+ , 4th Cir.(Va.) Defendants, who were members of motorcycle club, were convicted of committing violent crimes to maintain or increase position in enterprise engaged in racketeering activity, before...	Sep. 30, 1994	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>171. Fardella v. Garrison</b> 698 F.2d 208, 213+ , 4th Cir.(Va.) The United States Parole Commission appealed from an order of the United States District Court for the Eastern District of Virginia, at Richmond, Robert R. Merhige, Jr., J.,...	Dec. 23, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>172. Jordan v. Epps</b>  756 F.3d 395, 406+ , 5th Cir.(Miss.) CRIMINAL JUSTICE - Vindictive Prosecution. There was no actual prosecutorial vindictiveness in refusal to reenter agreement for life without parole and instead seek death penalty.	June 25, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	 <b>173. U.S. v. Rodriguez</b>  602 F.3d 346, 354+ , 5th Cir.(Tex.) CRIMINAL JUSTICE - Sentencing. No presumption of vindictiveness applied at resentencing even though defendant received a longer sentence.	Mar. 25, 2010	Case		<a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>174. U.S. v. Brown</b> ¶ 298 F.3d 392, 405+ , 5th Cir.(La.)  CRIMINAL JUSTICE - Vindictive Prosecution. Adding charges after dismissal on speedy trial grounds was not vindictive.	July 15, 2002	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>175. Argeanas v. Collins</b> ¶ 996 F.2d 305, 305+ , 5th Cir.(Tex.)  Gus Andrew Argeanas is incarcerated in the Texas Department of Corrections following his jury conviction for robbery with an enhanced sentence of 85 years for two prior felony...	June 18, 1993	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>176. U.S. v. Vontsteen</b> ¶ 910 F.2d 187, 193+ , 5th Cir.(Tex.)  Defendant was convicted in the United States District Court for the Southern District of Texas, David Hittner, J., of 21 counts of aiding and abetting mail fraud and one count of...	Aug. 17, 1990	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>177. U.S. v. Bryant</b> ¶ 770 F.2d 1283, 1287+ , 5th Cir.(Tex.)  Defendant was convicted in the United States District Court for the Western District of Texas, Dorwin W. Suttle, J., of two counts of making false statements to a government...	Aug. 28, 1985	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>178. U.S. v. Ruppel</b> 724 F.2d 507, 508+ , 5th Cir.(Tex.)  Defendant, whose conviction of conspiring to violate the drug laws and of possession of marijuana with intent to distribute was affirmed, 666 F.2d 261, challenged conviction...	Feb. 09, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>179. U.S. v. Henry</b> ¶ 709 F.2d 298, 313+ , 5th Cir.(Miss.)  Defendant was convicted in the District Court of conspiring to assault federal officers and to use firearm in commission of a felony, assaulting and interfering with federal...	June 28, 1983	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>180. U.S. v. Mauricio</b> ¶ 685 F.2d 143, 144+ , 5th Cir.(Tex.)  Government appealed from an order of the United States District Court for the Western District of Texas, C. Fred Shannon, J., dismissing indictment on ground of vindictive...	Sep. 07, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>181. U.S. v. Long</b> ¶ 531 Fed.Appx. 669, 671+ , 6th Cir.(Tenn.)  CRIMINAL JUSTICE - Sentencing. Government's refusal to file substantial assistance motion to reduce sentence was not due to actual vindictiveness.	Aug. 08, 2013	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>182. Vanover v. Warden, Lebanon Correctional Inst. ¶¶</b> 502 Fed.Appx. 548, 551+ , 6th Cir.(Ohio) CRIMINAL JUSTICE - Sentencing. Harsher sentence imposed on remand for resentencing following successful direct appeal was not result of actual vindictiveness.	Oct. 18, 2012	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>183. U.S. v. McCreary-Redd ¶¶</b> 407 Fed.Appx. 861, 868+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Prosecutorial Misconduct. Prosecutor's addition of new charges in superseding indictment did not amount to prosecutorial vindictiveness.	Oct. 15, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>184. U.S. v. Moon ¶¶</b> 513 F.3d 527, 535+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Sentencing. Application of Guidelines' obstruction-of-justice enhancement, on top of false statements charge, was not double counting.	Jan. 16, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>185. U.S. v. Roach</b> 502 F.3d 425, 443+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Arguments and Opening Statement. A prosecutor's closing argument comment, while improper, was not flagrant.	Sep. 11, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>186. U.S. v. Suarez ¶¶</b> 263 F.3d 468, 480+ , 6th Cir.(Mich.) CRIMINAL JUSTICE - Larceny. Variance between indictment and jury instructions on conversion charge did not warrant reversal.	Aug. 08, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>187. Bragan v. Poindexter ¶¶</b> 249 F.3d 476, 481+ , 6th Cir.(Tenn.) CRIMINAL JUSTICE - Prosecutorial Misconduct. State rebutted presumption of prosecutorial vindictiveness arising from delayed reinstatement of murder charge.	Apr. 23, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>188. U.S. v. Branham ¶¶</b> 97 F.3d 835, 850+ , 6th Cir.(Ky.) Following jury trial, defendants were convicted of conspiring to possess with intent to distribute marijuana and of aiding and abetting each other in attempting to possess with...	Oct. 04, 1996	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>189. Turner v. State of Tenn. ¶¶</b> 940 F.2d 1000, 1002+ , 6th Cir.(Tenn.) State prisoner sought habeas corpus. The United States District Court for the Middle District of Tennessee, 664 F.Supp. 1113, conditionally granted writ, and appeal was taken. ...	Aug. 07, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>190. U.S. v. Haidar ¶¶</b> 928 F.2d 1133, 1133+ , 6th Cir.(Mich.) E.D.Mich. AFFIRMED.	Mar. 26, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.






















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>191. Turner v. State of Tenn.</b> ¶¶ 858 F.2d 1201, 1208+ , 6th Cir.(Tenn.)  Habeas corpus petitioner convicted of felony-murder and kidnapping and sentenced to life imprisonment for murder plus 40 years on each of the kidnapping counts moved for new trial...	Oct. 07, 1988	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>192. U.S. v. Hardin</b> ¶¶ 770 F.2d 167, 167+ , 6th Cir.(Ky.)  W.D.Ky. AFFIRMED	July 10, 1985	Case		<a href="#">1</a> <a href="#">3</a>  S.Ct.
Discussed by	 <b>193. U.S. v. Falcon</b> ¶¶ 347 F.3d 1000, 1005+ , 7th Cir.(Ind.)  CRIMINAL JUSTICE - Vindictive Prosecution. Allegedly suspicious timing of charge was insufficient to require hearing on vindictive prosecution allegation.	Oct. 29, 2003	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	 <b>194. U.S. v. Bullis</b> ¶¶ 77 F.3d 1553, 1558+ , 7th Cir.(Ind.)  Defendant was convicted in the United States District Court for the Northern District of Indiana, William C. Lee, J., of conspiring to rig bids, allocate customers, and fix prices...	Feb. 28, 1996	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>195. U.S. v. Yarbough</b> ¶¶ 55 F.3d 280, 282+ , 7th Cir.(Ill.)  Defendant was convicted in the United States District Court for the Southern District of Illinois, William D. Stiehl, J., of seven drug and two weapons charges, and he appealed. ...	May 19, 1995	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>196. Edwardsen v. McCaughtry</b> ¶¶ 977 F.2d 585, 585+ , 7th Cir.(Wis.)  E.D.Wis. AFFIRMED.	Oct. 21, 1992	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	 <b>197. U.S. v. Dickerson</b> ¶¶ 975 F.2d 1245, 1250+ , 7th Cir.(Ind.)  Defendant was convicted of two counts of armed bank robbery, in the United States District Court for the Southern District of Indiana, John Daniel Tinder, J. Defendant appealed. ...	Sep. 14, 1992	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>198. U.S. v. Taglia</b> ¶¶ 925 F.2d 1031, 1034+ , 7th Cir.(Ill.)  Defendant was convicted of conspiracy to distribute cocaine and possession with intent to distribute and distribution of cocaine after jury trial in the United States District...	Feb. 19, 1991	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	 <b>199. Schiselman v. U.S. Parole Com'n</b> ¶¶ 858 F.2d 1232, 1240+ , 7th Cir.(Ind.)  Prisoner filed pro se petition for habeas corpus challenging Parole Commission's determination of his presumptive release date. The United States District Court for the Southern...	Sep. 23, 1988	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>200. U.S. v. Whaley</b> ¶ 830 F.2d 1469, 1477+ , 7th Cir.(Ind.) Defendant was indicted on one count of conspiracy to possess with intent to distribute pharmaceutical drugs. After first trial concluded with hung jury, the court declared...	Oct. 06, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>201. U.S. v. Pipito</b> ¶ 861 F.2d 1006, 1010+ , 7th Cir.(Wis.) Defendants were convicted in the United States District Court for the Eastern District of Wisconsin, Thomas J. Curran, J., of various drug charges. Defendants appealed. The...	July 20, 1987	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>202. U.S. v. Long</b> ¶ 823 F.2d 1209, 1211+ , 7th Cir.(Ill.) Convicted drug offender was subsequently found guilty of distributing controlled substances by the United States District Court, Northern District of Illinois, Ann C. Williams, J.,...	July 17, 1987	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>203. U.S. v. Tripp</b> ¶ 370 Fed.Appx. 753, 760+ , 8th Cir.(Mo.) CRIMINAL JUSTICE - Searches and Seizures. Affidavit provided probable cause to search residence for suspected distribution of cocaine.	Apr. 05, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>204. U.S. v. Pruett</b> ¶ 501 F.3d 976, 983+ , 8th Cir.(Iowa) CRIMINAL JUSTICE - Weapons. Conviction of using firearm in furtherance of drug trafficking crime may be based on receipt of gun in exchange for drugs.	Sep. 06, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>205. U.S. v. Campbell</b> 410 F.3d 456, 461+ , 8th Cir.(Iowa) CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant could not show prosecutorial vindictiveness based upon filing of superseding indictment adding new count.	June 08, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>206. U.S. v. Graham</b> ¶ 323 F.3d 603, 607+ , 8th Cir.(Mo.) CRIMINAL JUSTICE - Vindictive Prosecution. Federal prosecution was not vindictive despite federal attorney's participation in state trial.	Mar. 12, 2003	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>207. U.S. v. Grabinski</b> ¶ 727 F.2d 681, 685+ , 8th Cir.(Minn.) Defendant's appeal from denial of various pretrial motions was dismissed by panel opinion, 664 F.2d 293, for lack of jurisdiction and the same result was reached on rehearing en...	Feb. 02, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>208. United States v. Brown</b> ¶ 875 F.3d 1235, 1240+ , 9th Cir.(Wash.) CRIMINAL JUSTICE — Escape. Defendant was in federal custody when he attempted his escape while he was incarcerated at county jail pursuant to a writ of habeas corpus ad...	Nov. 21, 2017	Case		<a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>209. Alexander v. Miller-Stout</b> ¶ 597 Fed.Appx. 929, 931+ , 9th Cir.(Wash.)  CRIMINAL JUSTICE - Habeas Corpus. Prisoner was not entitled to presumption of prosecutorial vindictiveness in prosecution for beating 21-month-old son to death.	Jan. 15, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>210. U.S. v. Weyne</b> ¶ 348 Fed.Appx. 260, 261+ , 9th Cir.(Wash.)  CRIMINAL JUSTICE - Vindictive Prosecution. Fact that charge was brought in federal, rather than state, court did not raise appearance of vindictiveness.	Oct. 09, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>211. U.S. v. Jenkins</b> ¶ 504 F.3d 694, 699+ , 9th Cir.(Cal.)  CRIMINAL JUSTICE - Indictment and Information. Indicting defendant for alien smuggling after she admitted same during drug trial created appearance of vindictiveness.	Sep. 25, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>212. Nunes v. Ramirez-Palmer</b> ¶ 485 F.3d 432, 441+ , 9th Cir.(Cal.)  CRIMINAL JUSTICE - Habitual Offenders. Petitioner did not meet his burden to establish actual animus on part of prosecutor in charging him under recidivist statute.	Apr. 27, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>213. U.S. v. VanDoren</b> 182 F.3d 1077, 1082+ , 9th Cir.(Cal.)  Defendant pleaded guilty in the United States District Court for the Southern District of California, Marilyn L. Huff, J., to conspiracy to distribute cocaine base and possession...	July 07, 1999	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>214. U.S. v. Arnold</b> ¶ 99 F.3d 1147, 1147+ , 9th Cir.(Alaska)  D.Alaska AFFIRMED.	Oct. 18, 1996	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>215. U.S. v. Murphy</b> ¶ 65 F.3d 758, 762+ , 9th Cir.(Nev.)  Defendant was convicted in the United States District Court for the District of Nevada, David Warner Hagen, J., of violations of Clean Air Act (CAA) and Comprehensive Environmental...	Sep. 07, 1995	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>216. U.S. v. Dohm</b> 62 F.3d 1426, 1426+ , 9th Cir.(Cal.)  N.D.Cal. AFFIRMED.	Aug. 03, 1995	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>217. People of Territory of Guam v. Atoigue</b> ¶ 36 F.3d 1103, 1103+ , 9th Cir.(Guam)  D.Guam, 1992 WL 245628. AFFIRMED.	Sep. 02, 1994	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>218. U.S. v. Land</b> ¶ 889 F.2d 1096, 1096+ , 9th Cir.(Cal.)  S.D.Cal. AFFIRMED.	Nov. 15, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>219. U.S. v. Flynn</b> 855 F.2d 863, 863+ , 9th Cir.(Cal.)  E.D.Cal. AFFIRMED.	Aug. 10, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.












Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>220. U.S. v. Martinez</b> 855 F.2d 863, 863+ , 9th Cir.(Cal.) C.D.Cal. AFFIRMED.	July 27, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>221. People of Territory of Guam v. Fegurur</b> ¶ 800 F.2d 1470, 1472+ , 9th Cir.(Guam) Defendant's conviction in Guam superior court for violation of the Uniform Controlled Substances Act was affirmed by the United States District Court for the District of Guam,...	Sep. 29, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>222. U.S. v. Allen</b> ¶ 699 F.2d 453, 460+ , 9th Cir.(Cal.) Defendant was convicted before the United States District Court for the Central District of California, William P. Gray, J., of possession of a firearm by one previously convicted...	Oct. 25, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>223. United States v. Ray</b> ¶ 899 F.3d 852, 860+ , 10th Cir.(Colo.) CRIMINAL JUSTICE — Extradition and Detainers. Federal government did not violate Interstate Agreement on Detainers Act when it transported defendant to and from Colorado before...	Aug. 06, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>224. U.S. v. Sarracino</b> ¶ 340 F.3d 1148, 1177+ , 10th Cir.(N.M.) CRIMINAL JUSTICE - Evidence. Photograph of victim in autopsy room was admissible to aid witness in describing victim's injuries.	Aug. 19, 2003	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>225. U.S. v. Boos</b> 166 F.3d 1222, 1222+ , 10th Cir.(Okla.) Howard M. Boos and Wayne R. Gunwall both were convicted of one count of conspiracy to impede and injure officers of the United States from discharging the lawful duties of their...	Jan. 14, 1999	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>226. U.S. v. Contreras</b> ¶ 108 F.3d 1255, 1262+ , 10th Cir.(N.M.) Following mistrial due to hung jury, government brought superseding indictment with additional charges. Defendant was then convicted in the United States District Court for the...	Mar. 11, 1997	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>227. U.S. v. Vigil</b> ¶ 743 F.2d 751, 757+ , 10th Cir.(N.M.) Defendant was convicted before the United States District Court for the District of New Mexico, Juan G. Burciaga, J., of unlawful possession of a firearm, with sentence enhanced as...	Sep. 10, 1984	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>228. U.S. v. Castronuovo</b> ¶ 649 Fed.Appx. 904, 915+ , 11th Cir.(Fla.) CRIMINAL JUSTICE - Confessions. Defendant's statements during pre-indictment interview were not inadmissible as statements made during plea negotiation.	May 17, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>229. U.S. v. Gayle</b>  406 Fed.Appx. 352, 364+ , 11th Cir.(Fla.) CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant failed to establish prosecutorial vindictiveness claim based on request for offense-level sentence enhancement.	Dec. 21, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>230. U.S. v. Cole</b>  755 F.2d 748, 758+ , 11th Cir.(Fla.) Defendants were convicted in the United States District Court for the Southern District of Florida, C. Clyde Atkins, J., of drug offenses involving importation of marijuana, and...	Mar. 19, 1985	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>231. United States v. Meadows</b>  867 F.3d 1305, 1313+ , D.C.Cir. CRIMINAL JUSTICE — Prosecutorial Misconduct. Even if presumption of prosecutorial vindictiveness was warranted, government rebutted presumption by justifying decision to charge...	Aug. 18, 2017	Case		<a href="#">3</a> S.Ct.
Discussed by	 <b>232. U.S. v. Jones</b>  997 F.2d 1475, 1481+ , D.C.Cir. Defendant was convicted of possessing 50 grams or more of cocaine base with intent to distribute and was sentenced by the United States District Court for the District of Columbia,...	July 02, 1993	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>233. U.S. v. Brown</b>  862 F.Supp.2d 1276, 1289+ , N.D.Ala. CRIMINAL JUSTICE - Selective Prosecution. A defendant failed to show a discriminatory motive for his prosecution, as required to establish selective prosecution.	May 29, 2012	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>234. United States v. Ramos</b>  2021 WL 409758, *11+ , D.Ariz. Before the Court are Defendant Demetrius Ramos's motions to suppress statements (Doc. 88), to suppress evidence following unlawful seizure and arrest (Doc. 89), and to dismiss the...	Feb. 05, 2021	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>235. Mitchell v. Arizona</b>  2017 WL 710069, *22+ , D.Ariz. Petitioner, presently incarcerated in the Arizona State Prison Complex at Florence, Arizona, filed an Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on...	Jan. 24, 2017	Case		<a href="#">2</a> S.Ct.
Discussed by	 <b>236. May v. Ryan</b>  2015 WL 13188352, *58+ , D.Ariz. TO THE HONORABLE NEIL V. WAKE, UNITED STATES DISTRICT COURT: Petitioner Stephen Edward May, who is represented by counsel, has filed a Petition for Writ of Habeas Corpus pursuant...	Sep. 15, 2015	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>237. Hill v. White</b> ¶ 2011 WL 1641889, *7+ , D.Ariz.  This matter is before the Court on Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docs.1, 7) Respondents have filed an Answer, doc. 30, to which...	Apr. 04, 2011	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>238. U.S. v. Oropeza</b> ¶ 2010 WL 1253219, *2+ , D.Ariz.  Pending before the Court is Defendant Jose Martin Oropeza's Motion to Dismiss for Vindictive Prosecution. (Doc. 34.) Defendant's Motion to Dismiss seeks dismissal of Counts One and...	Mar. 05, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>239. James v. Mauldin</b> ¶ 2010 WL 366722, *20+ , D.Ariz.  Pending before the court is the Report and Recommendation ("R & R") of Magistrate Judge Estrada (Doc. # 21) regarding petitioner's Petition for Writ of Habeas Corpus filed pursuant...	Jan. 27, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>240. U.S. v. Donahue</b> ¶ 2009 WL 3571257, *1+ , D.Ariz.  Defendant filed a Motion to Dismiss for Vindictive Prosecution on October 7, 2009. (Doc 91). The motion was in response to a superceding indictment filed by the Government on...	Oct. 22, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>241. Voskanyan v. Lizarraga</b> ¶ 2019 WL 4391134, *10+ , C.D.Cal.  This Report and Recommendation ("R&R") is submitted to the Honorable Michael W. Fitzgerald, United States District Judge, pursuant to the provisions of 28 U.S.C. § 636 and General...	June 13, 2019	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>242. United States v. Hughes</b> ¶ 2018 WL 2214176, *2+ , E.D.Cal.  Petitioner Marcelone Hughes seeks a writ of mandamus compelling the U.S. Attorney for the Eastern District of California to file a Rule 35(b) motion requesting a reduction in his...	May 14, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>243. United States v. Kuburovich</b> ¶ 2018 WL 835049, *1+ , N.D.Cal.  Defendant Kristel Kuburovich objects to Magistrate Judge Nathanael Cousins' ruling denying discovery related to a vindictive prosecution defense. Dkt. No. 55. The objection will be...	Feb. 13, 2018	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>244. McCoy v. Vasquez</b> ¶ 2018 WL 816816, *13+ , C.D.Cal.  This Report and Recommendation is submitted to the Honorable R. Gary Klausner, United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United...	Jan. 05, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>245. Latimer v. Macomber</b> ¶ 2017 WL 3888224, *4+ , C.D.Cal.  This Report and Recommendation is submitted to United States District Judge Dale S. Fischer, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the United States District Court...	July 26, 2017	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>246. Butler v. Grounds</b> 2014 WL 7384301, *14+ , C.D.Cal.  On February 15, 2013, Andre Butler ("petitioner"), a state prisoner who was then proceeding pro se, filed an unverified Petition for Writ of Habeas Corpus by a Person in State...	Dec. 29, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>247. Valli v. Grounds</b> ¶¶ 2014 WL 2548687, *9+ , E.D.Cal.  Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The action proceeds on the petition filed November...	June 05, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>248. Wilson v. Sandor</b> ¶¶ 2014 WL 935474, *7+ , C.D.Cal.  On February 23, 2012, Mark Wilson ("Petitioner") filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 ("Petition") (ECF Nos. 1,...	Mar. 07, 2014	Case		<a href="#">2</a> S.Ct.
Discussed by	<b>249. Senator v. Sentman</b> ¶¶ 2013 WL 12244452, *17+ , C.D.Cal.  The Court submits this Report and Recommendation to the Honorable Stephen V. Wilson, United States District Judge, pursuant to 28 U.S.C. Section 636 and General Order 05-07 of the...	Apr. 10, 2013	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>250. U.S. v. Stacy</b> ¶¶ 2010 WL 4117276, *2+ , S.D.Cal.  Defendant has filed a motion to dismiss the Second Superseding Indictment for vindictive prosecution, a motion to dismiss the indictment due to an unconstitutional statute, a...	Oct. 18, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>251. Zavala v. Hartley</b> ¶¶ 2010 WL 11475495, *6+ , C.D.Cal.  This Report and Recommendation is submitted to the Honorable Dolly M. Gee, United States District Judge, pursuant to the provisions of 28 U.S.C. § 636 and General Order 05-07 of...	Mar. 26, 2010	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>252. Gordon v. Puckett</b> ¶¶ 2010 WL 891265, *18+ , C.D.Cal.  CRIMINAL JUSTICE - Vindictive Prosecution. A petitioner was not entitled to habeas relief on the basis of prosecutorial vindictiveness.	Mar. 07, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>253. Hobbs v. Hernandez</b> ¶¶ 2010 WL 1222153, *10+ , C.D.Cal.  This Report and Recommendation is submitted to the Honorable Valerie Baker Fairbank, United States District Judge, pursuant to the provisions of 28 U.S.C. section 636 and General...	Feb. 01, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>254. Hellon v. Felker</b> 2010 WL 396365, *5+ , E.D.Cal.  Petitioner Joshua Moses Hellon is a state prisoner proceeding pro se with an amended petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. Petitioner stands...	Jan. 27, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>255. U.S. v. Jones</b> ¶ 2009 WL 2912535, *3+ , N.D.Cal.  CRIMINAL JUSTICE - Pleas. Prosecutor violated a defendant's due process rights by attempting to have her waive nearly all of her constitutional rights before entering plea...	Sep. 09, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>256. Bustamante v. Garcia</b> 2009 WL 2912478, *60+ , S.D.Cal.  CRIMINAL JUSTICE - Counsel. Counsel was not ineffective for failing to investigate a defendant's alleged voluntary intoxication as a defense.	Sep. 09, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>257. Hill v. Evans</b> ¶ 2009 WL 2869922, *7+ , C.D.Cal.  This report and recommendation is submitted to the Honorable James V. Selna United States District Judge, pursuant to 28 U.S.C. § 636 and General Order of the United States...	July 27, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>258. Rios v. Hedgpeth</b> ¶ 2009 WL 1942540, *13+ , C.D.Cal.  CRIMINAL JUSTICE - Counsel. Counsel's failure to raise a claim of prosecutorial retaliation did not constitute ineffective assistance of counsel for petitioner's prosecution for...	June 30, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>259. Penilton v. Woodford</b> ¶ 2009 WL 508960, *4+ , E.D.Cal.  Petitioner Willie Penilton is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Mr. Penilton attacks his conviction in the...	Feb. 27, 2009	Case		<a href="#">3</a>  S.Ct.
Discussed by	<b>260. Palenzuela v. Ollison</b> ¶ 2008 WL 1944140, *21+ , C.D.Cal.  Pursuant to 28 U.S.C. section 636, the Court has reviewed the Petition, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The...	May 01, 2008	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>261. U.S. v. Felix</b> ¶ 2007 WL 173892, *4+ , S.D.Cal.  Defendant Guadalupe Felix, Jr. is charged with possession, with intent to distribute, of 28.4 grams of methamphetamine on October 5, 2005. Currently pending before the Court are a...	Jan. 09, 2007	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>262. Brown v. Hickman</b> ¶ 2006 WL 1062095, *27+ , E.D.Cal.  Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1997 conviction on charges...	Apr. 21, 2006	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	 <b>263. Nunes v. Ramirez-Palmer</b> ¶ 2005 WL 2135199, *8+ , E.D.Cal.  Petitioner is a California prisoner proceeding with counsel with an application for a writ of habeas corpus under 28 U.S.C. § 2254. He challenges his 1995 Santa Clara County...	Sep. 02, 2005	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>264. Lizarraga v. Pliler</b> ¶ 2005 WL 1704371, *5+ , E.D.Cal.  Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1997 conviction on charges...	July 14, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>265. Odle v. Calderon</b> ¶ 884 F.Supp. 1404, 1426+ , N.D.Cal.  After his convictions for murder and sentence of death were affirmed, petitioner sought habeas corpus. The District Court denied relief, 754 F.Supp. 749, but then allowed...	Mar. 29, 1995	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>266. Martinez v. City and County of Denver</b> ¶ 2013 WL 5366980, *13+ , D.Colo.  THIS MATTER comes before the Court pursuant to Defendant City and County of Denver's ("Denver") Motion for Summary Judgment (# 74), the Plaintiffs' response (# 79), and Denver's...	Sep. 25, 2013	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>267. United States v. Slatten</b> ¶ 22 F.Supp.3d 9, 11+ , D.D.C.  CRIMINAL JUSTICE - Indictment and Information. Indictment for first-degree murder did not raise presumption of prosecutorial vindictiveness after dismissal of voluntary...	June 05, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>268. U.S. v. Safavian</b> ¶ 644 F.Supp.2d 1, 12+ , D.D.C.  CRIMINAL JUSTICE - Fraud. Defendant's statements to government officers were material, as element of making false statements.	July 21, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>269. U.S. v. Frankel</b> ¶ 739 F.Supp. 629, 631+ , D.D.C.  Defendants charged with defacing public property moved to dismiss after case was transferred from District of Columbia court to federal court. The District Court, Revercomb, J.,...	May 15, 1990	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>270. DeJesus v. Carroll</b> 2007 WL 4365588, *6+ , D.Del.  Pending before the Court is an Application For A Writ Of Habeas Corpus Pursuant To 28 U.S.C. § 2254 ("Petition") filed by Petitioner Christian Dejesus ("Petitioner"). (D.I.1.) For...	Dec. 12, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>271. U.S. v. Roberts</b> ¶ 280 F.Supp.2d 325, 338+ , D.Del.  CRIMINAL JUSTICE - Vindictive Prosecution. Timing bribery indictment on day after defendant filed for reelection did not indicate vindictive prosecution.	Aug. 14, 2003	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>272. Travis v. Secretary, DOC ¶¶</b> 2015 WL 2238175, *8+ , M.D.Fla.  This matter comes before the Court upon a petition for habeas corpus relief filed pursuant to 28 U.S.C. § 2254 by Dorris Wayne Travis ("Petitioner") who is presently confined at...	May 12, 2015	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>273. U.S. v. Davis ¶¶</b> 2015 WL 500531, *2+ , M.D.Fla.  This matter comes before the Court upon the Defendant's Motion to Dismiss Counts 2 and 3 of the Superseding (sic) Indictment (Doc. 62), and the Government's response thereto (Doc....	Feb. 04, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>274. U.S. v. Castronuovo ¶¶</b> 2013 WL 2329964, *2+ , S.D.Fla.  THIS CAUSE is before the Court upon the Defendants' Motions to Strike and Dismiss Various Counts of the Second Superseding Indictment [DE's 906, 914 and 915] and the Magistrate...	May 28, 2013	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>275. U.S. v. Myrie ¶¶</b> 2011 WL 250550, *1+ , M.D.Fla.  This cause came on for consideration without oral argument upon Defendant Mark Myrie's Motion to Dismiss the Superseding Indictment for Vindictiveness (Dkt.220) and the...	Jan. 26, 2011	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>276. Taylor v. McDonough ¶¶</b> 2007 WL 189389, *16+ , N.D.Fla.  This cause is before the court on Petitioner's amended petition for writ of habeas corpus filed under 28 U.S.C. § 2254 (Doc. 6). Respondent filed an answer and relevant portions of...	Jan. 23, 2007	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>277. United States v. Holland ¶¶</b> 2018 WL 8838863, *10+ , N.D.Ga.  Presently before the Court are the following motions seeking dismissal of various charges and preclusion of certain of the Government's theories of prosecution: • Defendant John...	Sep. 06, 2018	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>278. United States v. Bates</b> 2017 WL 9439178, *15+ , N.D.Ga.  Pending before the court is Defendant Titus Bates' motion [Doc. 92] and supplemental brief [Doc. 142] to suppress evidence obtained as the result of the execution of a state...	June 01, 2017	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>279. U.S. v. Mwangi ¶¶</b> 2010 WL 690136, *15+ , N.D.Ga.  LITIGATION - Motion Practice. Leave for defendant to file a motion to dismiss his indictment for copyright infringement was not appropriate.	Feb. 18, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>280. Walker v. U.S. ¶¶</b> 2010 WL 55472, *8+ , S.D.Ga.  CRIMINAL JUSTICE - Postconviction Relief. Since defendant's bases for disqualification of the trial judge were unfounded, counsel was not deficient for failing to move for recusal.	Jan. 07, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>281. United States v. South</b> ¶ 2007 WL 9735489, *4+ , N.D.Ga.  Attached is the Report and Recommendation of the United States Magistrate Judge in this action in accordance with 28 U.S.C. § 636(b)(1) and this Court's Criminal Local Rules...	Feb. 13, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>282. U.S. v. Wingo</b> ¶ 723 F.Supp. 798, 800+ , N.D.Ga.  Defendant, a member of the board of trustees of hospital authority, was indicted with violation of Hobbs Act. Defendant moved to dismiss. The District Court, Forrester, J.,....	Oct. 05, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>283. Galindo v. United States</b> ¶ 2012 WL 13059741, *16+ , D.Hawai'i  Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. After reviewing the motion and supporting and opposing memoranda, the Court...	July 31, 2012	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>284. U.S. v. Gregory</b> ¶ 160 F.Supp.2d 1166, 1179+ , D.Hawai'i  CRIMINAL JUSTICE - Speedy Trial. Delay of 22 months between original indictment and trial violated speedy trial clause.	Aug. 03, 2001	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>285. United States v. Ray</b> ¶ 2020 WL 5237771, *3+ , D.Idaho  Pending before the Court is Defendant Nathan Ray's Motion to Dismiss. Dkt. 55. Ray is currently set to begin trial on September 8, 2020—378 days after the date of his initial...	Sep. 02, 2020	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>286. United States v. Ribota</b> ¶ 2014 WL 627478, *2+ , N.D.Ill.  A two-count indictment charges Defendant Bernardino Ribota with violating the conditions of his pretrial bond on a separate 2002 criminal complaint. Defendant Ribota moves to...	Feb. 18, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>287. U.S. ex. rel., Sanders v. Johnson</b> ¶ 2007 WL 2404598, *4+ , N.D.Ill.  Petitioner, Ernie Sanders, petitions for a writ of habeas corpus against the Pinckneyville Correctional Center Warden, Yolande Johnson, pursuant to 28 U.S.C. § 2254. Sanders'...	Aug. 15, 2007	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>288. U.S. v. Watzman</b> ¶ 2005 WL 309556, *2+ , N.D.Ill.  The court has under advisement the defendant's motion to dismiss the second superceding indictment for vindictive prosecution. The theory of his motion is that the second...	Feb. 07, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>289. U.S. v. Segal</b> ¶ 299 F.Supp.2d 840, 846+ , N.D.Ill.  CRIMINAL JUSTICE - Prosecutorial Misconduct. Amendment of indictment did not give rise to presumption of prosecutorial vindictiveness.	Jan. 12, 2004	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>290. U.S. v. Suquet</b> ¶ 551 F.Supp. 1194, 1196+ , N.D.Ill.  Defendants charged with drug conspiracies moved to dismiss. The District Court, Getzendanner, J., held that: (1) indictment was not the result of prosecutorial vindictiveness;...	July 20, 1982	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>291. United States v. Tingle</b> ¶ 2016 WL 7104885, *2+ , S.D.Ind.  This matter is before the Court on Defendant Ronald Tingle's ("Tingle") Motion to Dismiss (Filing No. 129). Tingle moves this Court to dismiss the charges against him, asserting...	Dec. 06, 2016	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>292. U.S. v. McDonald</b> ¶ 2009 WL 1636137, *8+ , N.D.Iowa  CRIMINAL JUSTICE - Counsel. Counsel's failure to investigate a potential witness did not prejudice defendant and thus did not constitute ineffective assistance of counsel.	June 11, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>293. U.S. v. Knutson</b> ¶ 571 F.Supp.2d 1051, 1053+ , S.D.Iowa  CRIMINAL JUSTICE - Vindictive Prosecution. Prosecutor's filing a superseding indictment after defendant declined a plea agreement was not vindictive prosecution.	Aug. 18, 2008	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>294. U.S. v. Sheridan</b> ¶ 464 F.Supp.2d 847, 849+ , N.D.Iowa  CRIMINAL JUSTICE - Indictment and Information. Previously-acquitted defendant was not subjected to prosecutorial vindictiveness by his second indictment.	Nov. 16, 2006	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>295. U.S. v. Carstens</b> ¶ 747 F.Supp. 528, 530+ , N.D.Iowa  Narcotics defendants moved to dismiss, and one defendant moved to suppress a statement. The District Court, Donald E. O'Brien, Chief Judge, held that: (1) defendants' rights to...	Dec. 27, 1989	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>296. U.S. v. Vo</b> ¶ 2007 WL 293888, *2+ , D.Kan.  This matter came before the court on January 27, 2007, for a hearing on defendant Mihn Vo's Motion to Dismiss the Superseding Indictment for Prosecutorial Vindictiveness. The...	Jan. 29, 2007	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>297. U.S. v. Quiroz</b> 228 F.Supp.2d 1259, 1266+ , D.Kan.  CRIMINAL JUSTICE - Counsel. Defendant established prejudice under Strickland due to defense counsel's erroneous advice regarding range of defendant's possible sentence.	Oct. 24, 2002	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.



Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>298. U.S. v. Zazueta</b> ¶ 1998 WL 842333, *2+ , D.Kan.  Currently before the court are three motions filed by Cantu and Canedo. Cantu has filed a motion to dismiss for vindictive prosecution and a motion for a bill of particulars....	Nov. 04, 1998	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>299. United States v. Nasr</b> ¶ 2020 WL 265868, *1+ , E.D.Ky.  This matter is before the Court on Defendant Assad Nasr's motion (DE 33) requesting that the Court dismiss the indictment. In support of his motion, Nasr argues that the indictment...	Jan. 17, 2020	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>300. Haight v. White</b> ¶ 2017 WL 3584218, *6+ , W.D.Ky.  This matter comes before the Court on the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (DN 1), as amended, and Petitioner's Motion for Summary Judgment (DN 141)....	Aug. 18, 2017	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>301. U.S. v. Ventura</b> ¶ 2013 WL 2452723, *5+ , E.D.Ky.  This matter is currently before the Court upon the motion of the defendants, Susan Ventura and Miguel Ventura, pursuant to Rule 12(b)(3)(B) of the Federal Rules of Criminal...	June 05, 2013	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>302. Howton v. United States</b> ¶ 2009 WL 10718110, *21+ , W.D.Ky.  The movant/defendant, Jack E. Howton ("Howton"), proceeding pro se, has filed a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 (DN 236). In his...	Aug. 13, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>303. U.S. v. Lawson</b> ¶ 2009 WL 1939045, *2+ , E.D.Ky.  CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendants' failed to make a prima facie showing of vindictive prosecution.	July 06, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>304. Leap v. Beckstrom</b> ¶ 2007 WL 4069022, *3+ , E.D.Ky.  This matter is before the court upon the Report and Recommendation of the United States Magistrate Judge, and having considered de novo those objections filed thereto by...	Oct. 31, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>305. United States v. Williams</b> ¶ 2020 WL 5960689, *8+ , E.D.La.  Before the Court is Jason Williams's and Nicole Burdett's motion to dismiss the indictment for selective and vindictive prosecution and due process violations, and their request...	Oct. 08, 2020	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>306. United States v. Nunez</b> 2016 WL 3167657, *5+ , E.D.La.  Before the Court are Defendant Brandon Licciardi's Motion to Strike Superseding Indictment (Doc. 310); Defendant Eric Nunez's Motion to Strike Superseding Indictment Surplusage...	June 07, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>307. Cheatham v. Warden</b> ¶ 2010 WL 924286, *8+ , E.D.La.  The Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objections to the Magistrate...	Mar. 10, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>308. Terrick v. Cain</b> ¶ 2008 WL 4297064, *11+ , E.D.La.  The Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file...	Sep. 16, 2008	Case		<a href="#">2</a> S.Ct.
Discussed by	<b>309. U.S. v. Warner</b> 2008 WL 4186862, *4+ , E.D.La.  Before the Court is a Motion Seeking to Dismiss the superceding indictment, filed by the defendant, Morris Virdean Warner ("Warner") (Rec.Doc.139). The Government opposes the...	Sep. 09, 2008	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>310. Robinson v. LeBlanc</b> ¶ 2008 WL 506151, *6+ , E.D.La.  The Court has reviewed de novo the petition for habeas corpus, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the petitioner's objection to...	Feb. 21, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>311. U.S. v. Saltzman</b> ¶ 2007 WL 1655532, *1+ , E.D.La.  Before the Court is the defendant's motion to dismiss counts of the superseding indictment. For the reasons that follow, the defendant's motion is GRANTED in part AND DENIED in...	June 06, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>312. U.S. v. Garcia</b> 1999 WL 596263, *3+ , E.D.La.  Defendants Daniel and David Garcia have moved the Court to dismiss the indictment against them on the grounds it amounts to a vindictive prosecution because of their failure to...	Aug. 05, 1999	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>313. United States v. Luthra</b> 2018 WL 283892, *4+ , D.Mass.  On August 1, 2017, Defendant Rita Luthra, M.D., was charged in a three count superseding indictment with aiding and abetting the wrongful disclosure of individually identifiable...	Jan. 03, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>314. United States v. Luthra</b> ¶ 2016 WL 5946864, *6+ , D.Mass.  On October 21, 2015, Defendant Margaret Luthra, M.D., was charged in a three count indictment with violating the Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b)(1)(B) ("AKS") (Count...	Oct. 12, 2016	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>315. United States v. Gibson</b> ¶ 2016 WL 11189802, *4+ , D.Mass.  The government has charged defendant Mark Kesner with two counts of aiding, assisting and advising the preparation of false tax returns, in violation of 26 U.S.C. § 7206(2), and...	Aug. 11, 2016	Case		<a href="#">3</a> S.Ct.


















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>316. U.S. v. Cafiero</b> ¶ 292 F.Supp.2d 242, 247+ , D.Mass.  CRIMINAL JUSTICE - Interference with Flight Crew. Indictment for flight crew interference failed on subject-matter jurisdiction grounds.	Nov. 03, 2003	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>317. U.S. v. Dwyer</b> ¶ 287 F.Supp.2d 82, 87+ , D.Mass.  CRIMINAL JUSTICE - Indictment and Information. Defendant provided some objective evidence tending to show likelihood of vindictiveness.	Oct. 07, 2003	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>318. U.S. v. Riley</b> ¶ 2015 WL 501786, *9+ , D.Md.  Damien Riley, pro se, is charged with possession with intent to distribute heroin (four counts), possession with the intent to distribute cocaine, possession of a firearm by a...	Feb. 04, 2015	Case		<a href="#">3</a>  S.Ct.
Discussed by	<b>319. U.S. v. Gadsden</b> ¶ 2012 WL 4480711, *2+ , D.Md.  Daren Kareem Gadsden is charged with bank fraud and other crimes. Gadsden has moved to dismiss the Third Superseding Indictment, for the Judge's recusal, for disclosure, and to...	Sep. 27, 2012	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>320. U.S. v. Tobin</b> ¶ 598 F.Supp.2d 125, 128+ , D.Me.  CRIMINAL JUSTICE - Vindictive Prosecution. Vindictive prosecution doctrine precluded the Government from charging defendant with making false statements.	Feb. 18, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>321. Stegall v. Bauman</b> ¶ 2018 WL 3375061, *6+ , E.D.Mich.  Petitioner Ralph Stegall was convicted by a Wayne County, Michigan jury of kidnapping and first-degree criminal sexual conduct, and he was sentenced to prison terms of at least 29...	July 11, 2018	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>322. Medina v. Woods</b> ¶ 2013 WL 5423727, *6+ , E.D.Mich.  Marlo Medina, ("petitioner"), confined at the Kinross Correctional Facility in Chippewa County, Michigan, seeks the issuance of a writ of habeas corpus pursuant to 28 U.S.C. §...	Sep. 26, 2013	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>323. Lamping v. Michigan</b> 2013 WL 3946047, *5+ , E.D.Mich.  John Cotter Lamping, presently residing in Fraser, Michigan, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his pro se application, petitioner challenges his...	July 31, 2013	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>324. Cochrane v. Palmer</b> ¶ 2012 WL 917709, *5+ , E.D.Mich.  Petitioner Tony Lamarr Cochrane, presently confined at the Michigan Reformatory in Ionia, Michigan, has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. §...	Mar. 19, 2012	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>325. Kaczorowski v. Warren</b> ¶ 2008 WL 275677, *4+ , E.D.Mich.  On November 28, 2007, Magistrate Judge Paul J. Komives issued a "Report and Recommendation" ("R & R") in the above-captioned matter, recommending that the court grant...	Jan. 31, 2008	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>326. U.S. v. Gray</b> ¶ 382 F.Supp.2d 898, 903+ , E.D.Mich.  CRIMINAL JUSTICE - Pleas. Federal prosecutor need not reinstate state plea bargain offer.	May 10, 2005	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>327. U.S. v. Forman</b> 990 F.Supp. 875, 890+ , E.D.Mich.  Defendant, who had previously been acquitted of obstructing justice and whose criminal contempt conviction was reversed on appeal, 71 F.3d 1214, filed motion to dismiss new...	Dec. 30, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>328. U.S. v. Lopez</b> ¶ 915 F.Supp. 891, 898+ , E.D.Mich.  Defendants were charged with possession with intent to distribute cocaine, aiding and abetting, and conspiracy to distribute cocaine. Defendants made various pretrial motions. ...	Jan. 31, 1996	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>329. United States v. Schmitz</b> ¶ 2019 WL 635413, *7+ , D.Minn.  This matter is before the Court on Defendant Joel Conrad Schmitz's Motion to Vacate under 28 U.S.C. § 2255 [Doc. No. 33]. In addition, Defendant has filed a Request for Subpoena...	Feb. 14, 2019	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>330. Baskin v. Scott</b> ¶ 2012 WL 5947647, *6+ , S.D.Miss.  Petitioner Keith Baskin was convicted in the Circuit Court of Madison County, Mississippi, and seeks federal habeas relief under 28 U.S.C. § 2254. After review of the entire...	June 25, 2012	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>331. U.S. v. Case</b> ¶ 2008 WL 1932403, *10+ , S.D.Miss.  This cause is before the Court on several motions filed by Defendants seeking dismissal of the Second Superseding Indictment under which they face charges of conspiracy, wire...	Apr. 25, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>332. United States v. Cooper</b> 2002 WL 35645214, *1+ , S.D.Miss.  This cause is before the Court on the Motion of the Defendant, James Ernest Frye, Jr. ("Frye"), to Dismiss the Death Penalty Because of Vindictive Prosecution. Frye argues that the...	Jan. 16, 2002	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>333. United States v. Crosdale</b> ¶ 2020 WL 8513822, *2+ , W.D.Mo.  This matter is currently before the Court on Defendant Rashidi Crosdale's Pro Se Motion to Dismiss Due to Vindictive Prosecution, which was filed on October 2, 2020. Doc. 122. The...	Dec. 21, 2020	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>334. Harden v. Bowersox</b> 2017 WL 1344932, *10+ , E.D.Mo.  This action is before the Court on Petitioner Joseph Harden's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. [Doc. 1.] Respondent Michael Bowersox filed a...	Apr. 12, 2017	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>335. United States v. Hill</b>  2016 WL 8674241, *3+ , E.D.Mo.  Currently before the Court are five pretrial motions filed by Defendant Shontell Hill (hereinafter "Defendant" or "Shontell Hill"). In particular, Shontell Hill has filed motions:...	Aug. 05, 2016	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>336. Brock v. Denney</b>  2009 WL 3228694, *30+ , E.D.Mo.  CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant failed to show that prosecution was designed solely to punish him for exercising a valid legal right.	Sep. 30, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>337. U.S. v. Welch</b>  2007 WL 1138842, *2+ , E.D.Mo.  This is before the Court on Defendant Austin Welch's Motion to Dismiss Counts X, XI, and XVIII of the Superseding Indictment, or in the alternative, to Obtain a Bill of Particulars...	Apr. 17, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>338. Game v. Hooks</b>  2019 WL 188698, *5+ , M.D.N.C.  Petitioner, a prisoner of the State of North Carolina, seeks a writ of habeas corpus via 28 U.S.C. § 2254. (Docket Entry 1.) For the reasons that follow, this Court should deny...	Jan. 14, 2019	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>339. Caplinger v. U.S.</b> 2008 WL 2705096, *1+ , W.D.N.C.  THIS MATTER is before the Court on Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255; the Government's answer and motion for summary...	July 08, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>340. U.S. v. DeJames</b> 641 F.Supp. 440, 441+ , W.D.N.C.  Defendants were charged, in superseding indictment, with conspiracy to possess with intent to distribute more than 1,000 pounds of marijuana and related charges. On defendants'...	Aug. 01, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>341. U.S. v. Coleman</b>  2007 WL 4522650, *3+ , D.Neb.  This matter is before the court on defendant's motion to proceed in forma pauperis, Filing No. 34, and his pro se motion to dismiss, Filing No. 35. Defendant is charged in a...	Dec. 17, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>342. U.S. v. Degarmo</b> ¶ 2007 WL 2819379, *12+ , D.Neb.  On May 22, 2007, the defendant, Timothy S. DeGarmo, filed a "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody," (see filing...	Sep. 24, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>343. U.S. v. Johnson</b> ¶ 973 F.Supp. 1102, 1109+ , D.Neb.  Defendant charged with conspiracy to sell drugs after he was convicted in state court for same conduct moved to dismiss indictment on double jeopardy grounds, to exclude evidence...	July 31, 1997	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>344. United States v. Toomer</b> ¶ 2018 WL 3745815, *2+ , D.Nev.  Before the court is defendant Donald Toomer's Motion to Dismiss and Other Pretrial Motions (ECF Nos. 28, 29), filed February 5, 2018, the government's response (ECF No. 39),...	Aug. 06, 2018	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>345. Gibbs v. Goodwin</b> ¶ 2011 WL 5513183, *15+ , D.N.J.  Petitioner Richard Gibbs, a convicted state prisoner, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a New Jersey state court...	Nov. 10, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>346. U.S. v. Baskerville</b> ¶ 2007 WL 150439, *2+ , D.N.J.  Presently before the Court are motions by defendant, William Baskerville, (1) to dismiss the indictment for vindictive prosecution; (2) to dismiss from the Government's Notice of...	Jan. 17, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>347. U.S. v. Esposito</b> ¶ 726 F.Supp. 991, 998+ , D.N.J.  Defendant moved to dismiss an indictment charging him with three separate acts of cocaine distribution. The District Court, Politan, J., held that: (1) defendant's acquittal in...	Dec. 08, 1989	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>348. U.S. v. Hernandez</b> ¶ 1988 WL 59650, *2+ , D.N.J.  Two of the defendants in this criminal case move for dismissal of the indictment or for suppression of certain evidence. The court denies both motions. In late July and early...	June 08, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>349. United States v. Solis</b> 2015 WL 13651231, *1+ , D.N.M.  THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD) [Doc. 165], filed on March 26, 2015. In her PFRD Magistrate Judge...	Dec. 23, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>350. U.S. v. Rodella</b> ¶ 59 F.Supp.3d 1331, 1350+ , D.N.M.  CRIMINAL JUSTICE - Vindictive Prosecution. Disqualification of entire U.S. Attorney's Office was not warranted in prosecution of New Mexico sheriff.	Nov. 12, 2014	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.














Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>351. United States v. Bustamante-Conchas</b>   2014 WL 12697358, *3+ , D.N.M. On June 25, 2014, Defendant Miguel Bustamante-Conchas filed a motion asking the Court to dismiss the superseding indictment, which was returned by the grand jury on June 24, 2014. ...	July 16, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>352. United States v. Tafoya</b>  2008 WL 11426880, *2+ , D.N.M. THIS MATTER comes before the Court on Defendant's Motion to Dismiss for Vindictive Prosecution [Doc. 62] filed on December 9, 2007. The Court held hearings on the above motion on...	Feb. 07, 2008	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>353. United States v. Avenatti</b> 433 F.Supp.3d 552, 561+ , S.D.N.Y. CRIMINAL JUSTICE — Selective Prosecution. Circumstances, including speed of investigation, did not support selective/vindictive prosecution claim.	Jan. 15, 2020	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>354. Izaguirre v. Lee</b>  2017 WL 4516818, *8+ , E.D.N.Y. Raul Izaguirre (hereinafter "petitioner") again petitions this Court for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging his resentence in Supreme Court, Nassau...	Oct. 10, 2017	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>355. U.S. v. Huntress</b>  2015 WL 631976, *17+ , W.D.N.Y. Defendants are charged in a five-count Indictment accusing each of them with: (1) conspiracy to (among other things) impede the administrative enforcement of federal environmental...	Feb. 13, 2015	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>356. Rodrigues v. Kaplan</b> 2014 WL 1875346, *6+ , N.D.N.Y. The above matter comes to me following a Report–Recommendation by Magistrate Judge Randolph R. Treece, duly filed on the 16th day of April 2014. Following fourteen (14) days from...	May 09, 2014	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>357. Parker v. United States</b>  2013 WL 12364123, *3+ , W.D.N.Y. Siragusa, J. This case is before the Court on two motions filed on April 13, 2010: a motion to vacate pursuant to 28 U.S.C. § 2255, ECF No. 175, and a motion to appoint counsel,...	Dec. 17, 2013	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>358. U.S. v. Tillman</b>  2010 WL 3000189, *3+ , S.D.N.Y. Defendant Donna Tillman ("Defendant" or "Tillman") has moved to dismiss the indictment under the Due Process Clause of the Fifth Amendment to the United States Constitution,...	July 30, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>359. U.S. v. Corbin</b>  2009 WL 4505513, *2+ , E.D.N.Y. Before the Court is the motion of defendant Roger Corbin ("Defendant") seeking: (1) dismissal of the superseding indictment; or in the alternative, (2) an in camera review of the...	Dec. 01, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>360. <a href="#">Avendano v. U.S.</a></b> ¶ 2009 WL 137035, *4+ , S.D.N.Y.  CRIMINAL JUSTICE - Counsel. Counsel was not ineffective for failing to emphasize that the brand name of a stereo box that was used to carry cocaine did not match the brand name...	Jan. 21, 2009	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>361. <a href="#">U.S. v. Feneziani</a></b> ¶ 2007 WL 1613630, *5+ , W.D.N.Y.  On October 26, 2005, defendant Robert Paul Feneziani ("Feneziani") was charged in a six-count Indictment with making various false statements on the United States Government...	June 01, 2007	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>362. <a href="#">Marsh v. Duncan</a></b> ¶ 2004 WL 86412, *9+ , E.D.N.Y.  CRIMINAL JUSTICE - Habeas Corpus. Habeas review as to claims of violations of Fourth and Eighth Amendments was precluded.	Jan. 07, 2004	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>363. <a href="#">U.S. v. King</a></b> ¶ 2000 WL 362026, *25+ , W.D.N.Y.  This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1), on July 24, 1998. On March 1, 1999, defendant filed an omnibus motion: (1) to...	Mar. 24, 2000	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>364. <a href="#">U.S. v. Sanders</a></b> ¶ 17 F.Supp.2d 141, 149+ , E.D.N.Y.  Defendants were indicted under statute prohibiting unauthorized removal of aircraft parts from any plane involved in civil aviation accident and for conspiracy to violate statute...	Aug. 27, 1998	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>365. <a href="#">U.S. v. Cady</a></b> ¶ 955 F.Supp. 164, 166+ , N.D.N.Y.  Defendant moved for reconsideration of a decision of the District Court, 1996 WL 650662, denying defendant's motion to dismiss indictment on basis of prosecutorial vindictiveness...	Mar. 06, 1997	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>366. <a href="#">U.S. v. Cady</a></b> ¶ 1996 WL 732826, *2+ , N.D.N.Y.  Pending before this Court is Defendant's Motion to Reargue or Reconsider the Court's Memorandum–Decision & Order of October 31, 1996. In its Decision of October 31, 1996, this...	Dec. 17, 1996	Case		<a href="#">3</a>  S.Ct.
Discussed by	<b>367. <a href="#">U.S. v. Cady</a></b> ¶ 1996 WL 650662, *5+ , N.D.N.Y.  Defendant Stephen Cady is before this Court for a second time. On April 8, 1994, the Government filed a criminal complaint charging Cady with using and carrying an Uzi machine...	Nov. 05, 1996	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>368. <a href="#">U.S. v. Grant</a></b> 1994 WL 74853, *2+ , S.D.N.Y.  The defendant in this action, William Allen Grant, has moved this Court for an order dismissing the indictment, in its entirety, based on prosecutorial vindictiveness. For the...	Mar. 07, 1994	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>369. Faux v. Jones</b> ¶ 728 F.Supp. 903, 908+ , W.D.N.Y.  Petitioner sought federal habeas corpus relief from his conviction of 29 sexually related charges. The District Court, Elfvin, J., held that: (1) Pullman abstention was...	Jan. 09, 1990	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>370. U.S. v. Torres</b> ¶ 683 F.Supp. 56, 60+ , S.D.N.Y.  Defendants charged as principals of massive heroin distribution organization, under continuing criminal enterprise statute, filed motions challenging constitutionality of...	Mar. 30, 1988	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>371. Lane v. Lord</b> ¶ 1986 WL 6777, *3+ , S.D.N.Y.  Petitioner Bernice Lane has filed a petition for habeas corpus relief with the Court. Lane was originally indicted in Supreme Court, New York County, with a male co-defendant on...	June 11, 1986	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>372. Rahab v. Buchanan</b> ¶ 2018 WL 2764454, *4+ , S.D. Ohio  This is a habeas corpus case brought pro se by Petitioner Malik Rahab. The case is ripe for decision on the Petition (ECF No. 1), the State Court Record (ECF No. 4), the Return of...	June 08, 2018	Case		<a href="#">1</a> S.Ct.
Discussed by	<b>373. U.S. v. Cook</b> ¶ 2008 WL 4823026, *2+ , S.D. Ohio  CRIMINAL JUSTICE - Prosecutorial Misconduct. Defendant's Constitutional protection of due process was not violated by means of vindictive prosecution.	Nov. 03, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>374. Anderson v. Anderson</b> ¶ 2000 WL 33126582, *3+ , N.D. Ohio  This is a civil rights action brought pursuant to 42 U.S.C. §§ 1985 and 1983 in which plaintiff alleges that defendants engaged in a conspiracy to deprive him of his right to equal...	Dec. 21, 2000	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>375. United States v. Mitchell</b> ¶ 2012 WL 12846972, *3+ , N.D. Okla.  Before the undersigned United States Magistrate Judge for report and recommendation is defendant's Motion to Dismiss. (Dkt. # 32). Defendant seeks to dismiss the indictment on the...	Nov. 19, 2012	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>376. United States v. Schaefer</b> ¶ 2019 WL 267711, *8+ , D.Or.  Defendant Jason Paul Schaefer is charged with two counts of assault on a federal officer in violation of 18 U.S.C. § 111(a) and (b); one count of carrying and using a destructive...	Jan. 17, 2019	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>377. U.S. v. Contreras</b> 1991 WL 62125, *1+ , D.Or.  The matters before the court are: 1) the motion to dismiss for vindictive prosecution of the defendants, Jose Roberto Serrano Contreras and Noel Gurrola Madrid; 2) the motion of...	Apr. 15, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>378. United States v. Gordon</b> ¶ 2021 WL 982408, *5+ , W.D.Pa.  Pending before the Court is Defendant Dontae Gordon's ("Gordon") Motion to Dismiss Information Charging Prior Offense. (ECF No. 113). Gordon has lodged a very serious accusation of...	Mar. 15, 2021	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>379. United States v. Crowder</b> ¶ 2019 WL 2296588, *3+ , M.D.Pa.  Defendant Nathan Crowder has been charged with one count of conspiracy to distribute controlled substances in violation of 21 U.S.C. § 846, one count of possession with intent to...	May 30, 2019	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>380. Balsavage v. Wetzel</b> ¶ 2018 WL 11224378, *6+ , E.D.Pa.  Presently before the court is a Petition for Writ of Habeas Corpus filed by Richard T. Balsavage ("Petitioner") pursuant to 28 U.S.C. § 2254. Petitioner, who is currently serving...	Aug. 29, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>381. United States v. Braddy</b> ¶ 2016 WL 3633536, *7+ , M.D.Pa.  Before the court is defendant Reginald Braddy's Motion for a New Trial, (Doc. 548), as well as his Motion to Dismiss the Superseding Indictment. (Doc. 549). The defendant Braddy...	July 07, 2016	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>382. United States v. Trader</b> ¶ 2015 WL 4941820, *11+ , E.D.Pa.  On January 18, 2007, a jury found defendant Tyrone Trader guilty of conspiracy to distribute more than five kilograms of cocaine and other substantive cocaine distribution...	Aug. 19, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>383. U.S. v. Waters</b> ¶ 2009 WL 1676150, *5+ , E.D.Pa.  CRIMINAL JUSTICE - Indictment and Information. Defendant's indictment for conspiracy to distribute cocaine base was not the result of actual prosecutorial vindictiveness.	June 15, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>384. U.S. v. Japalucci</b> 2008 WL 1767090, *1+ , W.D.Pa.  Presently pending before the Court is the PRE-TRIAL MOTION TO DISMISS SUPERSEDING INDICTMENT, with brief in support, filed by Defendant, Jordan Japalucci (Document Nos. 32 and 33...	Apr. 15, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>385. Barnhart v. Grace</b> 2007 WL 2688721, *1+ , M.D.Pa.  AND NOW, this 11th day of September, 2007, upon consideration of the report and recommendation of the magistrate judge (Doc. 56), to which objections were filed (Doc. 60),...	Sep. 11, 2007	Case		<a href="#">3</a> S.Ct.





Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>386. Carter v. Kane</b> ¶ 1993 WL 246089, *5+ , E.D.Pa.  Plaintiff Richard Carter has filed a pro se complaint pursuant to 42 U.S.C. § 1983 alleging that he was denied due process in his prison misconduct hearing before defendant J....	June 30, 1993	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>387. Thompson v. United States</b> ¶ 2018 WL 8733338, *53+ , D.S.D.  This matter is pending before the court on movant Scott Thompson's pro se motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Pending is a motion to...	Mar. 16, 2018	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>388. United States v. Thymaras</b> ¶ 2016 WL 3251578, *4+ , D.S.D.  Defendant Alexandros Thymaras filed a motion to dismiss the superseding indictment or, alternatively, count II of the superseding indictment on the basis of vindictive prosecution....	June 10, 2016	Case		<a href="#">2</a> S.Ct.
Discussed by	<b>389. United States v. Xiaorong You</b> ¶ 2021 WL 1097445, *4+ , E.D.Tenn.  Before the Court is the defendant Xiaorong You's motion to dismiss the first superseding indictment, [Doc. 220]. The government has filed a response, [Doc. 225]. The matter is ripe...	Mar. 22, 2021	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>390. U.S. v. Rosse</b> ¶ 34 F.Supp.3d 862, 873+ , W.D.Tenn.  CRIMINAL JUSTICE - Indictment and Information. Prosecutor's filing of superseding indictment did not demonstrate reasonable likelihood of vindictiveness.	July 29, 2014	Case		<a href="#">1</a> <a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>391. U.S. v. Fletcher</b> ¶ 2014 WL 1334262, *9+ , M.D.Tenn.  Before the Court is Defendant's motion to dismiss Counts Two and Three of the Superseding Indictment (Docket Entry No. 163) to which the Government responded (Docket Entry No....	Apr. 02, 2014	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>392. United States v. Williams</b> ¶ 2014 WL 12778255, *3+ , M.D.Tenn.  Pending before the Court are Defendant Lachaunti Williams's Motion to Dismiss 10 Superceding [sic] Indictment with Prejudice Due to Violation of Sixth Amendment to the United...	Jan. 21, 2014	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>393. United States v. Sease</b> ¶ 2009 WL 10678777, *5+ , W.D.Tenn.  Before the court by order of reference are defendant Arthur Sease's Motion to Dismiss Counts 1 & 2 of the Second Superseding Indictment Due to Vindictive Prosecution (D.E. 232) and...	Jan. 14, 2009	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>394. U.S. v. Hall</b> ¶ 2008 WL 163056, *5+ , E.D.Tenn.  On December 20, 2007, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed a nine-page report and recommendation ("R & R") [Doc. 238] in which he recommended...	Jan. 15, 2008	Case		<a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>395. U.S. v. McCreary-Redd</b> ¶¶ 628 F.Supp.2d 764, 783+ , E.D.Tenn.  CRIMINAL JUSTICE - Pleas. Court of Appeals' opinion vacating defendant's guilty plea did not vacate or effectively ify plea agreement itself.	Dec. 17, 2007	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>396. Turner v. State of Tenn.</b> ¶¶ 726 F.Supp. 1113, 1116+ , M.D.Tenn.  State prisoner sought habeas corpus. The District Court, 664 F.Supp. 1113, conditionally granted the writ. The Court of Appeals, 858 F.2d 1201, affirmed. The United States...	Dec. 14, 1989	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>397. United States v. Heon Jong Yoo</b> ¶¶ 2018 WL 9362564, *2+ , E.D.Tex.  Before the Court are Defendant's Motions to Sanction Prosecution (Docket Nos. 104 and 153), Motion to Recuse Co-Counsel and Motion to Sanction Prosecution (Docket No. 155) and...	Nov. 08, 2018	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>398. Jackson v. Stephens</b> 2015 WL 3982880, *7+ , N.D.Tex.  Before the court is Robert Charles Jackson's ("Petitioner") Petition for Writ of Habeas Corpus by a Person in State Custody ("Petition"), filed pursuant to 28 U.S.C. § 2254...	June 30, 2015	Case		<a href="#">3</a>  S.Ct.
Discussed by	 <b>399. Young v. Stephens</b> 2014 WL 509376, *51+ , W.D.Tex.  Petitioner Clinton Lee Young filed this federal habeas corpus action pursuant to Title 28 U.S.C. Section 2254 challenging his Midland County conviction for capital murder and...	Feb. 10, 2014	Case		<a href="#">1</a>  S.Ct.
Discussed by	<b>400. Perez v. Thaler</b> ¶¶ 2010 WL 3784705, *11+ , S.D.Tex.  Petitioner is an inmate in the Texas Department of Criminal Justice—Correctional Institutions Division ("TDCJ-CID") and currently is incarcerated at the Coffield Unit in...	Aug. 05, 2010	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>401. U.S. v. Brown</b> ¶¶ 2014 WL 1622180, *2+ , E.D.Va.  This matter comes before the Court upon Kelvin Brown's ("Defendant") Motion in Limine to Dismiss Charges ("Motion to Dismiss"), arguing that the charges against him must be...	Apr. 22, 2014	Case		<a href="#">1</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>402. Brown v. U.S.</b> ¶¶ 2013 WL 1868363, *4+ , E.D.Va.  This matter comes before the court on the Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence ("Motion") and Memorandum in Support filed by the Petitioner,...	May 02, 2013	Case		<a href="#">1</a> <a href="#">3</a>  S.Ct.
Discussed by	<b>403. U.S. v. Johnson</b> ¶¶ 576 F.Supp.2d 758, 763+ , W.D.Va.  CRIMINAL JUSTICE - Indictment and Information. Prosecutor did not engage in vindictive prosecution in obtaining superseding indictment in drug case.	Sep. 17, 2008	Case		<a href="#">2</a> <a href="#">3</a>  S.Ct.





















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>404. Lopez v. Key</b> 2018 WL 11219824, *7+ , E.D.Wash.  Before the Court is Elvis Camillo Renteria Lopez's First Amended Petition Under 28 U.S.C. § 2254 For Writ of Habeas Corpus By A Person in State Custody, ECF No. 11. Petitioner is a...	June 29, 2018	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>405. Thomas v. Key</b> 2017 WL 8751917, *14+ , W.D.Wash.  Petitioner Demicko Billie Thomas seeks 28 U.S.C. § 2254 habeas relief from his convictions for first degree robbery, first degree kidnapping, attempted first degree robbery, first...	July 11, 2017	Case		<a href="#">2</a> S.Ct.
Discussed by	<b>406. Randall v. Gilbert</b> ¶ 2016 WL 7383875, *5+ , W.D.Wash.  Petitioner Jeffrey L. Randall seeks 28 U.S.C. § 2254 habeas relief from his convictions by jury verdict of two counts of unlawful delivery of a controlled substance to a minor...	Nov. 07, 2016	Case		<a href="#">2</a> S.Ct.
Discussed by	<b>407. Erickson v. Uttecht</b> ¶ 2016 WL 3029940, *24+ , W.D.Wash.  This is a federal habeas action brought under 28 U.S.C. § 2254. Petitioner John Erickson challenges in his petition a 2010 judgment and sentence of the King County Superior Court. ...	Apr. 12, 2016	Case		<a href="#">1</a> S.Ct.
Discussed by	<b>408. Netherton v. Parnell</b> ¶ 2014 WL 7240525, *37+ , W.D.Wash.  This matter comes before the Court on the petition of Lorraine Netherton for writ of habeas corpus, challenging her conviction for second degree murder. (Dkt. No. 1.) The Honorable...	Dec. 19, 2014	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>409. Frost v. Van Boening</b> ¶ 2010 WL 5775657, *13+ , W.D.Wash.  Petitioner Joshua J. Frost has filed a writ of habeas corpus under 28 U.S.C. § 2254 challenging his 2003 King County convictions and 55 year prison sentence. Dkt. 14. By counsel,...	Oct. 05, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>410. U.S. v. Thornton</b> 2010 WL 56025, *3+ , W.D.Wis.  No objections having been received to the report and recommendation entered herein by the United States Magistrate Judge on December 16, 2009, IT IS ORDERED that the magistrate...	Jan. 06, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>411. U.S. v. Davis</b> 2008 WL 3661431, *2+ , W.D.Wis.  Before the court is defendant Richard E. Davis's motion to dismiss the misdemeanor criminal complaint filed against him on the ground of vindictive prosecution. See dkt. 13. The...	Jan. 07, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>412. U.S. v. Fregoso-Bonilla</b> ¶ 2007 WL 2288068, *2+ , E.D.Wis.  Defendant Maria Fregoso-Bonilla ("Fregoso-Bonilla") moves to dismiss the second superseding indictment based on prosecutorial vindictiveness. She claims that the government filed...	Aug. 06, 2007	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>413. U.S. v. Blum</b> ¶ 1987 WL 110398, *4+ , W.D.Wis.  Defendant has not filed any objections to the reports and recommendations entered by the United States Magistrate on October 5 and October 7, 1987. I have reviewed both reports...	Oct. 26, 1987	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>414. U.S. v. Miller</b> ¶ 2014 WL 4184392, *1+ , N.D.W.Va.  Pending before this Court is Defendant Glenn A. Miller's Motion to Dismiss Superseding Indictment for Vindictive Prosecution, filed July 22, 2014 [Doc. 64] and Defendant, Glenn A....	Aug. 21, 2014	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>415. United States v. Barbeito</b> ¶ 2010 WL 11570728, *6+ , S.D.W.Va.  Before the Court is Defendant David Keith Barbeito's Motion to Dismiss [Docket 1275]. Defendant is the president of the Pagans Motorcycle Club (PMC). He and fifty-four other...	May 07, 2010	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>416. King v. U.S.</b> ¶ 2009 WL 3246803, *14+ , S.D.W.Va.  CRIMINAL JUSTICE - Counsel. Defense counsel's assistance was not ineffective in refusing to introduce documentary evidence of a defendant's assets in her vehicle and house in a...	Oct. 05, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>417. Solon v. United States</b> ¶ 2013 WL 12321956, *9+ , D.Wyo.  This matter is before the Court upon a pro se Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody. [Docket No. 11-CV-303-CAB,...	May 24, 2013	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>418. Rogers v. Government of Virgin Islands</b> ¶ 2015 WL 5013953, *3+ , D.Virgin Islands  Earl Rogers appeals his convictions in the Superior Court of the Virgin Islands for aggravated assault, disturbing the peace, and false arrest. For the reasons stated below, the...	Aug. 21, 2015	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.
Discussed by	<b>419. U.S. v. Santiago-Rodriguez</b> 990 F.Supp.2d 129, 131+ , D.Puerto Rico  CRIMINAL JUSTICE - Indictment and Information. Prosecution filing superseding indictment did not create presumption of vindictiveness.	Dec. 31, 2013	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>420. Espinal-Genao v. U.S.</b> 2010 WL 3809997, *3+ , D.Puerto Rico  Petitioner, Edison Espinal-Genao, brings this pro se petition under 28 U.S.C. § 2255 for relief from sentencing by a federal court, alleging that the sentence was imposed in...	Sep. 28, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>421. U.S. v. In Hyuk Kim</b> ¶ 2009 WL 5033934, *4+ , D.Guam  This matter comes before the court on the Defendant In Hyuk Kim's Motion to Reconsider Denial of Motion to Dismiss. See Docket No. 94. After hearings on the motion and additional...	Dec. 08, 2009	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>422. U.S. v. Aviles-Sierra</b>  576 F.Supp.2d 235, 237+ , D.Puerto Rico  CRIMINAL JUSTICE - Vindictive Prosecution. The defendant failed to show circumstances giving rise to a presumption of prosecutorial vindictiveness.	Sep. 15, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>423. Turner v. State</b> 924 So.2d 737, 750+ , Ala.Crim.App.  CRIMINAL JUSTICE - Evidence. Admission of DNA evidence of sperm found on victim without population-frequency statistical evidence was not abuse of discretion.	Nov. 22, 2002	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>424. Disciplinary Matter Involving Triem</b>  929 P.2d 634, 646+ , Alaska  Disciplinary Board dismissed one grievance proceeding in its entirety due to delays in proceedings and that attorney acted dishonestly when dealing with opposing attorney on second...	Dec. 06, 1996	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>425. State v. Pete</b> 351 P.3d 346, 349+ , Alaska App.  CRIMINAL JUSTICE - Indictment and Information. Facts of defendant's case did not give rise to a presumption of prosecutorial vindictiveness.	May 29, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>426. Dyer v. State</b> 666 P.2d 438, 442+ , Alaska App.  Defendant was convicted in the Superior Court, First Judicial District, Duane K. Craske, J., of assault with a dangerous weapon, and he appealed. The Court of Appeals, Coats, J.,...	July 01, 1983	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	 <b>427. State v. Dansdill</b>  443 P.3d 990, 995+ , Ariz.App. Div. 2  CRIMINAL JUSTICE — Prosecutorial Misconduct. Defendant was entitled to new trial based on prosecutor's repeated statement that felony murder was "lesser form of first-degree..."	May 28, 2019	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>428. State v. Bruni</b>  2017 WL 3083635, *3+ , Ariz.App. Div. 1  ¶ 1 Petitioner Stephen James Bruni petitions this court for review from the summary dismissal of his petition for post-conviction relief. For the reasons stated, we grant review...	July 20, 2017	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>429. State v. Rodriguez</b>  2015 WL 6163568, *7+ , Ariz.App. Div. 1  ¶ 1 This is an appeal under Anders v. California, 386 U.S. 738 (1967) and State v. Leon, 104 Ariz. 297, 451 P.2d 878 (1969). Counsel for Defendant Louis Anthony Rodriguez, Jr., has...	Oct. 20, 2015	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>430. State v. Jackson</b>  2011 WL 4000865, *13+ , Ariz.App. Div. 1  ¶ 1 In this consolidated appeal, the State of Arizona, by and through the Maricopa County Attorney, appeals the trial court's orders dismissing criminal charges against Donnie...	Sep. 08, 2011	Case		<a href="#">1</a> <a href="#">3</a> S.Ct.




















Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>431. State v. Montoya</b> ¶ 2011 WL 704860, *5+ , Ariz.App. Div. 1  CRIMINAL JUSTICE - Habitual Offenders. A trial court erred where it failed to conduct the proper colloquy regarding defendant's two historical felony convictions at defendant's...	Mar. 01, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>432. State v. Popoca</b> ¶ 2011 WL 552884, *8+ , Ariz.App. Div. 1  CRIMINAL JUSTICE - Joinder and Severance. Consolidation of nine indictments alleging fifty-plus offenses against defendant was proper where the offenses were similar and part of a...	Feb. 17, 2011	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>433. State v. Wludyka</b> ¶ 2010 WL 1779617, *3+ , Ariz.App. Div. 1  CRIMINAL JUSTICE - Sex Offenses. The trial court erred as a matter of law in finding that child molestation was a lesser included offense of continuous sexual abuse of a child.	May 04, 2010	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>434. State v. Buske</b> ¶ 2008 WL 4532363, *3+ , Ariz.App. Div. 2  CRIMINAL JUSTICE - Double Jeopardy. Jeopardy did not attach to bar a retrial necessitated by an error caused by the prosecutor's negligence.	Oct. 09, 2008	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>435. State v. Schneider</b> ¶ 661 P.2d 651, 653+ , Ariz.App. Div. 2  Prosecution appealed from an order of the Superior Court, Pima County, Cause Nos. CR-05153 and CR-05872, Gilbert Veliz, J., dismissing an indictment. The Court of Appeals,...	Nov. 26, 1982	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>436. People v. Jurado</b> ¶ 41 Cal.Rptr.3d 319, 339+ , Cal.  CRIMINAL JUSTICE - Homicide. Evidence was sufficient to sustain murder by lying in wait special circumstance.	Apr. 06, 2006	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>437. People v. Edwards</b> ¶ 1 Cal.Rptr.2d 696, 722+ , Cal.  Defendant was convicted in the Superior Court, Orange County, No. C-48764, James S. Judge, J., of first-degree murder and attempted first-degree murder and was sentenced to death. ...	Nov. 25, 1991	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
Discussed by	<b>438. Lent v. California Coastal Commission</b> ¶ --- Cal.Rptr.3d ----+ , Cal.App. 2 Dist.  A house sits on beachfront property in Malibu. A five-foot-wide vertical easement, owned by the California Coastal Conservancy for public access to the coast, encumbers one side of...	Apr. 05, 2021	Case		<a href="#">3</a> S.Ct.
Discussed by	<b>439. People v. Vanderwood</b> ¶ 2019 WL 1482459, *7+ , Cal.App. 4 Dist.  An argument between Michael Lamar Vanderwood and his wife, Jane Doe, escalated into an assault that Jane recorded on her smartphone. A jury found Vanderwood guilty of torture (Pen....	Apr. 04, 2019	Case		<a href="#">3</a> S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 <b>440. People v. Holloway</b> ¶ 2017 WL 4129568, *3+ , Cal.App. 5 Dist. Appellant Timothy Joel Holloway stands convicted of animal cruelty, a violation of Penal Code section 597, subdivision (a), and residential burglary, a violation of sections 459...	Sep. 19, 2017	Case		<a href="#">2</a> <a href="#">3</a> S.Ct.
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