

DANIEL RILEY (14528052)

8/10/2018 8:08:25 PM

More Good News

Wednesday 08-08-18 8:25pm

Today a Federal Court in Boston reversed itself and ruled that 18 USC 924(c)(3)(B) is unconstitutional because of Dimaya. The prisoner Stephen Rossetti was serving 54 years (he has been in since 1999). He won his ACCA challenge to his conviction, resulting in 5 years being subtracted from it. Today he won 30 years off his sentence with his 924(c) conviction being vacated. He is looking at being immediately released pending resentencing, which will simply be to time served.

The big thing is that this case is in the same circuit as our case--the First.

The judge was Richard G. Stearns, who is usually a government rubber stamp, but the weight of precedent is so heavy now no judge can go against it. Judge Stearns upheld 924(c)(3)(B) not long ago, but corrected his error once the Dimaya Court proved him wrong.

The case is Rossetti v U.S., NO. 99-cr-10098 (D. Massachusetts)

DANIEL RILEY (14528052)

8/10/2018 10:20:56 AM

TIMBER TWO!!

Wednesday 08-08-18 11:00am

A Federal Circuit Court that originally upheld 18 USC 924(c)(3)(B), has now done an about-face and has ruled it unconstitutional, post-Dimaya. This is big. It shows the likelihood of any Court of Appeal upholding 924(c)(3)(B) is highly improbable.

The case is: United States v Eshetu, No. 15-3020 (DC Cir. 2018)