

TENTH CIRCUIT ORAL ARGUMENT CALENDAR

Friday, July 27, 2018
Special Session, Sante Fe, NM

9:00 A.M.

17-2027 NM **United States v. Solis**
17-2035

1. Was there sufficient evidence of the defendant's knowledge and agreement to attribute five kilograms of cocaine to him under USSG § 1B1.3?
2. Did the district court impose an illegal sentence when it imposed a sentence below the five-year statutory minimum provided in 21 U.S.C. § 841(b)(1)(B) (government appeal).

for the government: Paige Messec

for the defendant: Scott Davidson (Albuquerque, NM)

17-2141 NM **United States v. Blackburn**

1. Did the seizure of this defendant's cell phone fall within the plain-view doctrine under the facts of this case, and, if not, did the government establish inevitable discovery (Fourth Amendment)?
2. Did this defendant knowingly and intelligently waive his *Miranda* rights?

for the government: Marisa Ong

for the defendant: Margaret Katze (New Mexico FPD)

17-2143 NM **United States v. Meraz-Martinez**
17-2144

1. Is this defendant's 42-month total sentence for his illegal reentry conviction (8 U.S.C. § 1326) and a supervised release revocation substantively unreasonable?

for the government: Paige Messec

for the defendant: Melissa Morris (New Mexico FPD)

17-2151 NM **United States v. Beaver**

1. Did the district court procedurally err when it departed upwards and imposed consecutive sentences on grounds that this involuntary-manslaughter defendant would have received a longer sentence in New Mexico state court?
2. Did the district court impose a substantively unreasonable sentence when it departed upwards and imposed consecutive sentences on grounds that this involuntary-manslaughter defendant would have received a longer sentence in New Mexico state court?

for the government: Nicholas Marshall

for the defendant: Brian Pori (New Mexico FPD)

17-2189 NM **United States v. Vasquez**

1. Is this drug/gun defendant's 120-month sentence substantively unreasonable?

for the government: Paige Messec

for the defendant: Brian Pori (New Mexico FPD)

18-2003 NM United States v. Gonzalez-Avalos

1. Is this defendant entitled to safety-valve relief under 18 U.S.C. § 3553(f), and did the district court err in concluding otherwise?

for the government: Paul Mysliwicz

for the defendant: Jose Saldivar (Phoenix, AZ)