

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 04-1265 EMSL

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TARAS WALLACE,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Missouri
District Court No. 4:03 CR 511 DJS

The Honorable Donald J. Stohr
United States District Judge Presiding

DEFENDANT-APPELLANT'S SECOND SUPPLEMENTAL BRIEF

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SUMMARY AND REQUEST FOR ORAL ARGUMENT

Taras Wallace entered a plea of guilty to a single charge of being a felon in possession of a firearm, 18 U.S.C. §922(g)(1). In his plea agreement, Mr. Wallace admitted that he knowingly possessed firearms as charged, but he denied the government's claim that he possessed a gun during an assault on Antoinette Jordan (Transcript, Change of Plea, 10-30-2003, pp. 7-8). The District Court relied upon extrajudicial statements attributed to Ms. Jordan to find that Mr. Wallace used a weapon in connection with an assault on Ms. Jordan, within the meaning of United States Sentencing Guidelines (U.S.S.G.) §2K2.1(b)(5) (Transcript, Sentencing, pp. 18-22, 26). The judge relied on that finding to enhance the penalty range by four-levels as it applied the mandatory Guidelines sentencing required by 18 U.S.C. §3553(b)(1) and impose a sentence of 110 months (Sentencing Tr., p. 34).

In his original brief filed May 10, 2004, Mr. Wallace challenged the district court's admission of unreliable hearsay as the sole basis for enhancing the Guidelines range by four levels under U.S.S.G. §2K1.2.1(b)(5). Mr. Wallace then asked to file a supplemental brief based on the Supreme Court's decision in *Blakely v. Washington*, 124 S.Ct. 2531 (2004), that a state sentencing guidelines scheme violated the constitution insofar as it mandated enhanced penalty ranges based on facts not found by a jury beyond a reasonable doubt or admitted by the defendant. Mr. Wallace

argued that in light of *Blakely*, the trial court's use of hearsay to find facts that were the functional equivalent of elements violated the Sixth Amendment right of confrontation. He also argued that the court's application of a mandatory penalty range based on its own factfinding was unconstitutional according to *Blakely*. On September 9, 2004, this court took Mr. Wallace's motion to file his supplemental brief with the case. On September 27, 2004, the Eighth Circuit issued an administrative order indicating that panels may permit supplemental briefing based on the Supreme Court's resolution of *United States v. Booker*, No. 04-104, after an opinion in that case issued. At the oral argument of this case on December 14, 2004, the Court declined to hear argument on issues under *Blakely* or *Booker*. Mr. Wallace files this Second Supplemental Brief based on the Supreme Court's ruling in *United States v. Booker*, 2005 WL 50108 (2005), that the sentencing enhancements the Federal Sentencing Guidelines mandated based on facts not admitted by a defendant or found by a jury beyond a reasonable doubt violated the Sixth Amendment. Mr. Wallace stands in the same position as the defendant Freddie J. Booker, and he requires the same constitutional cure: resentencing in which the Guidelines calculations are advisory.

Oral argument would benefit the court's determination of *Booker*'s reach in this case, and the defendant requests ten minutes for each party.

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JURISDICTIONAL STATEMENT

This case is an appeal from the judgment in a criminal case entered on January 23, 2004. The United States invoked the jurisdiction of United States District Court for the Eastern District of Missouri with the filing of a one count indictment against Taras Wallace alleging a violation of 18 U.S.C. §922(g)(1). A guilty plea was entered on October 30, 2003. On January 23, 2004 the district court imposed a sentence of 110 months imprisonment, to be followed by two years of supervised release, and a special assessment of \$100. Notice of Appeal was timely filed January 27, 2004. Mr. Wallace invokes the Court's jurisdiction under 28 U.S.C. §1291 and 18 U.S.C. §3742(a). Mr. Wallace's initial brief was timely filed on March 17, 2004. Appellant then filed a request to submit a supplemental brief to raise additional issues generated by the Supreme Court's decision in *Blakely v. Washington*, 124 S.Ct. 2531 (2004). This motion was taken with the case. The court heard oral argument on December 14, 2004, although it declined to hear argument on the issues raised pursuant to *Blakely* in the supplemental Brief. Mr Wallace submits this Second Supplemental Brief based on the Supreme Court's decision in *United States v. Booker*, 2005 WL 50108 (2005).

STATEMENT OF ISSUES

- I. **THE DISTRICT COURT ERRED, OR IN THE ALTERNATIVE PLAINLY ERRED, WHEN IT APPLIED THE UNITED STATES SENTENCING GUIDELINES AS THE PENALTY RANGE MANDATED BY 18 U.S.C. 3553(b)(1), INCLUDING THE FOUR-LEVEL SENTENCING ENHANCEMENT FOR USING A FIREARM IN CONNECTION WITH ANOTHER OFFENSE, BECAUSE THIS VIOLATED THE SIXTH AMENDMENT RIGHT TO JURY TRIAL OF ALL FACTS NECESSARY TO THE IMPOSITION OF SENTENCE. THE REMEDY REQUIRES REMAND TO THE DISTRICT COURT FOR A RESENTENCING IN WHICH THE GUIDELINES ARE ADVISORY.**

United States v Booker, 2005 WL 50108 (2005)

Blakely v. Washington, 124 S.Ct. 2531 (2004)

Apprendi v. New Jersey, 530 U.S. 466 (2000)

STATEMENT OF THE CASE

I. Nature of the Case

Taras Wallace was charged in a one count indictment with being a convicted felon in possession of a firearm, contrary to 18 U.S.C. §922(g)(1). The parties entered into a plea agreement in which Mr. Wallace pled guilty to the indictment. Mr. Wallace admitted that he knowingly possessed two firearms the police found with him when they responded to an assignment for an assault at 2918 Keokuk on May 19, 2002 (Stipulation, p. 7, 8). Mr. Wallace specifically did not admit that he “was in possession of these firearms during the commission of an assault on Antoinette Jordan.” (Id.). The presentence report found a base offense level of 24 pursuant to §2K2.1(a) U.S.S.G. and recommended a four level increase for the specific offense characteristic of use or possession of a firearm in connection with another felony offense pursuant to §2K2.1(b)(5) U.S.S.G. Defendant filed a timely objection to the presentence report’s recommendation of this four level increase. At sentencing on January 23, 2004, the district court overruled Mr. Wallace’s objections and sentenced him to 110 months term of imprisonment.

II. Statement of Facts

In his plea agreement, Mr. Wallace admitted that he knowingly possessed both firearms charged in the indictment on May 19, 2002, and that he had previously been

convicted of a felony. Mr. Wallace simultaneously denied that he used or possessed these firearms in connection with the commission of an assault (Plea T. 7-8). The charge in the indictment established a base offense level of 24, §2K2.1(a)(2), U.S.S.G. Subtracting three offense levels for his acceptance of responsibility, the resulting offense level of 21 carried a sentencing range of 77 to 96 months for Mr. Wallace's criminal history category of VI. §5A, U.S.S.G.

At sentencing, the court took evidence of Antoinette Jordan's prior statements to police on May 19, 2002, and her testimony before the grand jury (Transcript, Sentencing 1-23-2004, pp. 18-22, 26). Ms. Jordan was not subpoenaed to testify at the sentencing hearing, having previously invoked her Fifth Amendment privilege against self-incrimination when subpoenaed by the defendant to a hearing on his motion to suppress evidence (*Id.*, pp. 14-15). The Court received Ms. Jordan's out-of-court statements to the police on May 19, 2002, in which she asserted that Mr. Wallace hit her in the back of the head with a gun, and her grand jury testimony, over Mr. Wallace's timely and continuing objection that this violated his rights of confrontation (*Id.*, pp. 13, 18). The defendant submitted an affidavit Ms. Jordan signed in which she stated that Mr. Wallace had come home drunk and pushed her, which caused her to call the police, and that there was another incident where Taras was accused of threatening her "with more serious violence." The affidavit made no

mention of a firearm. It concluded with Ms. Jordan's assertion that she would invoke her Fifth Amendment privilege and refuse to testify if called in the case. Ms. Jordan in fact invoked her Fifth Amendment privilege when Mr. Wallace subpoenaed her to testify at a pretrial motion to suppress (Sentencing T. 13, 15).

Defendant filed a sentencing memorandum in which he objected to using either of the firearms underlying his criminal charge in connection with an assault on Antoinette Jordan. Wallace maintained that there should be no four level increase pursuant to §2K2.1(b)(5). Defendant argued that the guideline imprisonment range was 77 to 96 months. The district court overruled defendant's objections and sentenced Wallace to 110 months.

SUMMARY OF ARGUMENTS

The Supreme Court's opinion in *United States v. Booker*, 2005 WL 50108 (2005), establishes that the district court violated Mr. Wallace's Sixth Amendment right to jury trial and the Fifth Amendment due process requirement of proof beyond a reasonable doubt, by imposing an enhanced penalty sentence based on the judge's finding of disputed facts according to the application of the United States Sentencing Guidelines mandated by 18 U.S.C. §3553(b)(1). The Court thereby subjected Mr. Wallace to a mandatory penalty range based on the judge's own finding by a mere preponderance of evidence that Mr. Wallace used one of the guns he illegally possessed in the commission of another felony offense, U.S.S.G. §2K2.1(a). The Supreme Court directed that the constitutional defect be cured by invalidating 18 U.S.C. §3553(b)(1), which made the sentencing guidelines mandatory and remanding the case for resentencing in which the district court determined sentence by treating the sentencing guidelines as advisory only. *United States v. Booker*, at *29.

STANDARD OF REVIEW

The correct application of the guidelines is a question of law subject to de novo review, while a factual determination of the sentencing court is reviewed under a clearly erroneous standard." *United States v. Tirado*, 313 F.3d 437, 440 (8th Cir. 2002).

ARGUMENT

I. THE DISTRICT COURT ERRED BY SENTENCING MR. WALLACE ACCORDING TO THE MANDATORY APPLICATION OF THE COURT'S CALCULATION PURSUANT TO THE SENTENCING GUIDELINES UNDER 18 U.S.C. §3553(b)(1), INCLUDING THE FOUR-LEVEL ENHANCEMENT BASED ON THE JUDGE'S FINDING BY A MERE PREPONDERANCE OF EVIDENCE THAT MR. WALLACE USED A GUN IN COMMITTING ANOTHER OFFENSE, WHICH FACT WAS NOT ADMITTED BY MR. WALLACE NOR FOUND BY A JURY BEYOND A REASONABLE DOUBT, IN VIOLATION OF THE FIFTH AND SIXTH AMENDMENTS.

In *United States v. Booker*, 2005 WL 50108 (2005), the Supreme Court held that the rule of *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000), which invalidated enhanced penalty ranges based on judge-found facts in the state sentencing guidelines review in *Blakely v. Washington*, 124 S.Ct. 2531 (2004), likewise invalidated the myriad enhancements compelled by the United States Sentencing Guidelines pursuant to the Sentencing Reform Act. *Booker*, 2005 WL 50108, at *15; *United States v. Coffey*, No.04-2176, Slip. Op., at 7 (8th Cir. January 21, 2005). The application of mandatory sentencing enhancements based on facts not admitted by the defendant or found by a jury beyond a reasonable doubt violated the defendant's Fifth and Sixth Amendment guarantees against punishment based on facts not found by a jury beyond a reasonable doubt. *Id.* The Court reaffirmed that, even under the federal sentencing

Guidelines, “[a]ny fact (other than a prior conviction) which is necessary to support a sentence exceeding the maximum authorized by the facts established by a plea of guilty or a jury verdict must be admitted by the defendant or proved to a jury beyond a reasonable doubt.” *Booker*, at *15.

The district court in this case applied the Federal Sentencing Guidelines as written to calculate the mandatory penalty range to be applied to Mr. Wallace’s conviction for being a felon in possession of a firearm. 18 U.S.C. §3553(b)(1). The facts Mr. Wallace admitted in his guilty plea only supported a base offense level of 24, §2K2.1(a)(2), U.S.S.G. (Stipulation, pp. 7-8) Subtracting three offense levels for acceptance of responsibility, Mr. Wallace’s admissions supported a sentencing range of 77 to 96 months for criminal history category VI. §5A, U.S.S.G. Mr. Wallace did not admit that he possessed a firearm in connection with any assault on Antoinette Jordan (Plea T. 8). The district court applied an enhanced penalty range of 110-120 months based on its finding that Mr. Wallace possessed a firearm in connection with an assault on Ms. Jordan, per §2K2.1(b)(5) U.S.S.G. (Sentencing T. 18-21, 30-31).

The mandatory application of the United States Sentencing Guidelines, particularly the enhancement of the guidelines penalty range based on the court’s finding of facts by a preponderance of the evidence, violated Mr. Wallace’s Sixth

Amendment right to jury trial and denied him the due process burden of proof beyond a reasonable doubt. *United States v. Booker*, 2005 WL 50108, *15, *29 (2005); *United States v. Coffey*, Slip Op, at 7.

The Court in *Booker* chose to cure the constitutional violation embodied in the mandatory sentencing guidelines system by invalidating and excising the provisions of the federal sentencing statute that made the Guidelines mandatory, 18 U.S.C. 3553(b)(1). The Court, thereby rendered the Guidelines “effectively advisory.” *United States v. Booker*, at * 16; *United States v. Coffey*, Slip Op. at 7. The Court remanded the case of Freddie Booker, who was sentenced to an enhanced term of 360 months based on the judges’ determination that he had possessed 566 grams of crack, whereas the jury’s verdict finding that he possessed only 50 grams of cocaine with intent to distribute supported a Guideline range of no more than 262 months. *Id.* at *5. The Court agreed with the Seventh Circuit Court of Appeals that Booker’s sentence violated the Sixth amendment right to jury trial. *Id.* at *29.

Like the district court that sentenced Freddie Booker, the district court in this case relied on facts Mr. Wallace did not admit to enhance the mandatory penalty range the court applied from 77-to-96 months up to 110-to-120 months (Sent. T. 30). Under the mandatory guidelines scheme the judge was compelled to apply, this violated the Sixth Amendment principles applied to the Guidelines in *Booker*. 2005 WL 50108,

at *29.

Mr. Wallace did not specifically object based on the constitutional right to a jury determination of the facts that increased the statutory maximum punishment (Sent. T. 18). Mr. Wallace did object, however, to the district court finding that he used a weapon in the commission of another offense because the judge's finding depended entirely on unreliable, incompetent hearsay (Sent. T. 12-13, 18; Appellant's Original Brief, pages 10-15). Mr. Wallace did, therefore, challenge the facts underlying the *Blakely* and *Booker* objection raised on appeal. In *United States v. Coffey*, No. 04-2176 (8th Cir., January 21, 2005), the defendant objected that the evidence was insufficient for the district court to calculate the quantity of drugs involved in the charged conspiracy. *Id.*, Slip Op. at 5. The District Court overruled the objection and adopted the suggestion of the government and the presentence report that Coffey was responsible for approximately 2.7 kilograms of crack, far more than the jury's finding that the defendant was responsible for fifty grams or more. *Id.*

Mr. Coffey was sentenced before either *Blakely v. Washington* or *United States v. Booker* was decided. On direct appeal, he raised a *Blakely* objection and argued that its principles applied to defendants sentenced pursuant to the United States Sentencing Guidelines. A panel of this Court acknowledged the Supreme Court's ruling in *Booker* and ruled that "defendants such as Coffey who have preserved the issue are entitled

to new sentencing proceedings.” *United States v. Coffey*, Slip Op. at 7. At sentencing, Mr. Coffey only objected to the sentencing enhancement on the basis that there was insufficient evidence to calculate any drug quantity against him. *Id.*

Mr. Wallace similarly objected to the admissibility of the hearsay evidence, noting that this unreliable information was the sole basis for the district court’s fact-finding upon which his enhanced penalty range under the guidelines depended (Sentencing Tr. 12-13). In terms of preserving a *Blakely/Booker* objection, there is no principled basis to differentiate Mr. Coffey’s challenge to the sufficiency of the evidence on which the district court based his sentence and Mr. Wallace’s objection that the district court enhanced his sentence based on unreliable hearsay that fell below the evidentiary threshold for admissible according to the Sentencing Guidelines. *See* Section 6A1.3(a) U.S.S.G.; Appellant’s Original Brief, pages 9-13.

Even if the error were not preserved, the constitutional violations embodied in Mr. Wallace’s sentence warrant plain error relief under Fed. R. Crim. P. 52(b) because there was (1) error (2) that is plain, (3) that affects substantial rights, and, (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings. *Johnson v. United States*, 520 U.S. 461, 466-467 (1997). The record in this case satisfies all four criteria.

1. The enhancement was error under *Booker*. The rule in *Booker* applies to

cases pending on direct review. *United States v. Booker*, Opinion of Breyer, J., for the Court, at p. 25), quoting *Griffith v. Kentucky*, 479 U.S. 314, 328 (1987). The district court's mandatory application of an enhanced penalty range based on the judge's finding of facts not admitted by Mr. Wallace or found by a jury violated the Sixth Amendment, as the Court declared in *Booker*.

2. The error is “plain” under current law. It is enough that an error be “plain” under the law as it exists at the time of direct review. *Johnson v. United States*, 520 U.S. 461, 467-68 (1997). Under *Booker*, the judge violated the Sixth Amendment right to jury trial when he imposed an enhanced sentence upon Mr. Wallace based upon facts the judge found by a mere preponderance of the evidence pursuant to the then mandatory sentencing guidelines. 2005 WL 50108, at *15. The district court applied an enhanced Guidelines penalty range of 110-120 months based on its own finding that Mr. Wallace possessed a firearm in connection with an assault on Ms. Jordan, per §2K2.1(b)(5) U.S.S.G. (Change of Plea Hearing 10-30-2003, p. 8; Sentencing T. 18-21, 30-31). This plainly violated the Sixth Amendment under *Booker*.

3) The error affects “substantial rights,” and, 4) seriously affects the fairness, integrity, and reputation of the proceeding. The Sixth Amendment guarantee redressed in *Booker* “is no mere procedural formality, but a fundamental

reservation of power in our constitutional structure.” *Blakely v. Washington*, 124 S.Ct. at 2538-2539. The Framers intended the right to jury trial to insure “the people’s ultimate control” over the judiciary. *Id.* at 2539. The due process mandate that the government prove every fact essential to a person’s conviction and punishment beyond a reasonable doubt is “basic in our law and rightly one of the boasts of a free society[.]” *In re Winship*, 397 U.S. 358, 362 (1970). This burden of proof is “indispensable” to reducing the risk of erroneous deprivations of liberty. *Id.*, at 364. The error implicates “constitutional protections of surpassing importance”. *Apprendi v. New Jersey*, 530 U.S. at 476. The denial of both these safeguards fundamentally negates the integrity and fairness of the sentence obtained thereby. The Supreme Court notably granted several hundred petitions for certiorari and remanded for further consideration based on *Booker*, including many cases where no *Blakely* issue was raised in the original briefs. See Miscellaneous Orders, CERTIORARI – SUMMARY DISPOSITIONS, 543 U.S. ___, (January 24, 2005).¹ At least twenty-six of the petitioners in those cases received certiorari to this court. *E.g.*, *United States v. Smith*, 363 F.3d 811 (8th Cir. 2004), *certiorari granted, judgment vacated and remanded for reconsideration in light of Booker*, 543 U.S. ___ (2005). The Court’s omnibus ruling

¹The lengthy list of cases for which certiorari was summarily granted is accessible online at <http://www.supremecourtus.gov/orders/courtorders/012405pzor.pdf>.

reflects the magnitude of the constitutional violations found in *Booker*, and the importance of resentencing even where the issue was not preserved.

The error indisputably prejudiced Mr. Wallace and was decisive to the outcome. Mr. Wallace would not have been sentenced to 110 months under the Guidelines as written but for the court's imposition of an enhanced penalty range based on facts the judge found in violation of the Sixth Amendment, as was true in *Booker's* case, 2005 WL 50108 at *29. Also, as in *Booker*, the remedy compels remand for resentencing.

The Court cured the constitutional violation by invalidating the mandatory application of the guidelines and by ordering resentencing at which the guidelines are effectively advisory. *Id.*, at *16, *29. That same remedy must be afforded Mr. Wallace. The record bears no evidence that the district court would have exercised its discretion to sentence Mr. Wallace to 110 months had the Guidelines been merely advisory. The district court's decision to apply the minimum sentence available within the enhanced penalty range supports the inference that the judge would not have chosen a sentence that high had it had known its discretion to impose a lesser term.

The Supreme Court's choice of remedy in *Booker* effectively puts district courts that applied the mandatory Guidelines in the same position as judges who erroneously

concluded they lacked discretion to give a different sentence. *See United States v. Whitetail*, 956 F.2d 857, 863 (8th Cir. 1992) (resentencing required based on record suggesting the trial court erroneously believed he could not grant lesser sentence if it found defendant’s conduct resulted from being battered spouse); *United States v. Cruz-Ochoa*, 85 F.3d 325 (8th Cir. 1996) (resentencing ordered when judge incorrectly believed it could not depart downward based on defendant’s waiver and consent to deportation). A sentence imposed by a court acting on a misconception of its authority in sentencing constitutes “error as a matter of law.” *Id.* The appellate court’s responsibility in such circumstances is to remand for the district court to make the discretionary judgments the law expects the judge to make, without instructing how that discretion should be exercised. *United States v. Campo*, 140 F.3d 415, 419 (2nd Cir. 1998).

In the wake of *Booker*, the district court’s sentencing decision requires consideration of all the factors listed in 18 U.S.C. 3553(a), many of which the guidelines either required the district court to reject or ignore. For instance, under §3553(a)(1), the court must consider the “history and characteristics of the defendant”, whereas under the guidelines, the court was generally forbidden to consider the defendant’s age, U.S.S.G. §5H1.1, his education and vocational skills, §5H1.2, his mental and emotional condition, §5H1.3, his physical condition including drug or

alcohol dependence, §5H1.4, his employment record, §5H1.5, his family ties and responsibilities, §5H1.11, and his lack of guidance as a youth, §5H1.12. The only aspect of a defendant's background the guidelines directed courts to consider was his criminal history. In fact, Mr. Wallace's criminal history was the only aspect of the defendant's background the court cited when it imposed sentence (Sentencing Tr. 34). The previous, drastic limitation on the court's evaluation of a defendant's background under the Guidelines cannot be squared with the requirement of §3553(a)(1) that the court evaluate the "history and characteristics" of the defendant. In the wake of the remedy ordered in *Booker*, the district court also possesses far greater discretion in fashioning an appropriate sentence that is "sufficient, but not greater than necessary[.]" 18 U.S.C. §3553(a). "[T]o leave standing this sentence imposed under the mandatory guideline regime . . . is to place in jeopardy 'the fairness, integrity or public reputation of judicial proceedings.'" *United States v. Hughes*, No. 03-4172, Slip Op. at 13-14 and n. 8 (4th Cir., January 24, 2005),² quoting *United States v. Hastings*, 134 F.3d 235, 244 (4th Cir. 1998).

Pre-*Booker* sentencing transcripts do not provide a meaningful basis to predict how judicial discretion will be exercised in any given case now that the Guidelines are advisory only. The district court was not called upon to impose a sentence in the

²This case is available online at <http://pacer.ca4.uscourts.gov/opinion.pdf/034172.P.pdf>.

exercise of its discretion as directed by the remedial majority in *Booker*. See *United States v. Hughes*, No. 03-4172, Slip Op. at 14, n. 8. Mr. Wallace's case must be remanded for resentencing under the far greater discretion the Supreme Court ordered to cure the constitutional error imbedded in the judgment under review. *Id.*

CONCLUSION

WHEREFORE, in addition to the grounds Mr. Wallace raised in his original brief and first supplemental brief based on *Blakely*, the defendant requests that the judgement and sentence in this case be set aside and that this case be remanded to the district court for resentencing as required pursuant to *United States v. Booker*.

Respectfully submitted,

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PROOF OF SERVICE

The undersigned attorney hereby certifies that he has caused a true and correct copy of the foregoing to be served upon Allison Behrens, Assistant United States Attorney for the Eastern District of Missouri, 111 South 10th Street, St. Louis, Missouri 63101 by hand-delivery this 26th day of January, 2005.

LEE T. LAWLESS

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(a)(7)(b), the undersigned hereby certifies that this Brief complies with the type-volume limitation. The number of words contained in this Brief, typed in WordPerfect 11, is 4,704.

LEE T. LAWLESS

CERTIFICATION

The undersigned hereby certifies that the diskette submitted herewith has been scanned for viruses and that it is virus-free.

LEE T. LAWLESS

ADDENDUM

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