

TWENTY-SEVENTH ANNUAL NATIONAL SEMINAR ON FEDERAL SENTENCING

proudly presented by

The Tampa Bay Chapter of the Federal Bar Association,
The National Association of Criminal Defense Lawyers,
The Criminal Law Section of the Federal Bar Association,
and
The Criminal Justice Section of The American Bar Association

**Wednesday - Friday
September 5-7, 2018**

**Hilton Orlando Lake Buena Vista
Disney Springs™ Resort Area, Orlando, FL**

**WEDNESDAY
SEPTEMBER 5, 2018**

2:00 - 5:00 p.m.

BASIC GUIDELINES TRAINING (Optional Session)

The Basic Federal Sentencing Guidelines Training is designed to provide an introduction to the Federal Sentencing Guidelines for those with limited federal sentencing experience. This session may be taken alone or in connection with the remainder of the seminar.

- **Cathy A. Battistelli**
*Former Deputy Chief United States Probation Officer
District of New Hampshire
Concord, New Hampshire*
- **L. Russell "Rusty" Burress**
*Principal Training Advisor
Office of Education and Sentencing Practice
United States Sentencing Commission
Washington, DC*

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ATTORNEYS AT LAW

**THURSDAY
SEPTEMBER 6, 2018**

7:30-8:15 a.m.

REGISTRATION & CONTINENTAL BREAKFAST

8:15 a.m.

WELCOMING REMARKS

8:30-9:45 a.m.

WHAT ATTORNEYS WHO PRACTICE IN CRIMINAL LAW NEED TO KNOW ABOUT IMPLICIT BIAS

This presentation will provide training on how to recognize and address implicit bias and how it may affect sentencing. The presenter will give scenarios and solutions on how to overcome implicit bias.

- **The Honorable Mark W. Bennett**
*United States District Court
Northern District of Iowa*

9:45 - 10:00 a.m.

BREAK

10:00-11:00 a.m.

CONCURRENT SESSIONS

**DON'T KNOW MUCH ABOUT
CRIMINAL HISTORY...**

But we do know it makes a big difference in our clients' sentences. Welcome to the wonderful world of criminal history rules. This session provides an opportunity to both test and improve your ability to navigate these rules to help obtain the lowest possible sentence for your clients.

- **JaneAnne Murray, Esq.**
*Professor of Practice
University of Minnesota Law School
Murray Law LLC
Minneapolis, Minnesota*
- **Laura Mate, Esq.**
*Federal Defender Sentencing Resource Counsel
Des Moines, Iowa*

THE PRESENTENCING PROCESS

This presentation will cover the presentence process, mandatory and district rules that probation officers are bound to follow, opportunities where defense counsel can assist probation and their client for a better, more balanced report, and great things that defense counsel can do which is valuable to probation.

- **Shavaughn Chapman**
*United States Probation Officer
District of New Jersey*
- **Susan Smalley**
*Deputy Chief United States Probation Officer
District of New Jersey*

11:05a.m.-12:05 p.m.

CONCURRENT SESSIONS

ECONOMIC CRIMES

This panel will address recent changes to the Sentencing Guidelines and their implications, as well as practical considerations for loss calculation, determining actual versus intended loss, and valuing benefits the government received. The panelists' diverse background and experience will allow a discussion across many substantive areas, including health care, tax and securities cases.

- **Jacqueline Arango, Esq.**
*Akerman, LLP
Miami, Florida*
- **Barry Boss, Esq.**
*Cozen O'Connor
Washington, DC*
- **David Debold, Esq.**
*Gibson, Dunn & Crutcher, LLP
Washington, DC*

Moderator:

- **Kevin Napper, Esq.**
*Kevin J. Napper, P.A.
Tampa, Florida*

SUPERVISED RELEASE, EVIDENCE

BASED PRACTICES, & RISK ASSESSMENT

This presentation will provide an overview of evidence based practices used in pursuit of a successful completion of a supervised release term. The presenters will also address revocation proceedings to include the different grades of violations pursuant to Chapter Seven of the Sentencing Guidelines, delayed revocations and re-imposition of supervised release.

- **Victor Carlo-Chevere, Esq.**
*Supervisory United States Probation Officer
District of Puerto Rico*
- **Dr. Ray Rivera-Navas**
*United States Probation Officer
District of Puerto Rico*

THURSDAY (Continued) SEPTEMBER 6, 2018

12:05-1:15 p.m.

LUNCH ON YOUR OWN

1:15 - 2:15 p.m.

CONCURRENT SESSIONS

DRUG OFFENSES: OVERVIEW & UPDATE

Panelists will discuss strategies and case law regarding sentencing in cases involving drug offenses, as well as the Sentencing Commission's continued work in the area of drug offenses.

- **Drew Findling, Esq.**
Findling Law Firm, P.C.
Atlanta, GA
President-Elect
National Association of Criminal Defense Lawyers
- **Mary Price**
Families Against Mandatory Minimums
Washington, DC
- **Brian Shrader, Esq.**
Dunlap Bennett & Ludwig, PLLC
Tampa, Florida

RESTITUTION

This presentation will explain the restitution process to help federal practitioners, probation officers and judges determine when restitution must be imposed, to whom, for how much, and in which cases. Those "steps" have been widely received and utilized since the mid-1990's and have been newly modified this year to be even more useful.

- **Catharine Goodwin, Esq.**
Author of Federal Criminal Restitution

2:20-3:20 p.m.

CONCURRENT SESSIONS

DRUG OFFENSES:

SYNTHETIC DRUGS AND MARIJUANA

Emerging designer drugs create regulatory challenges that often must be resolved in Court. This panel discussion will focus on amendments to the US Sentencing Guidelines that create new drug categories, conversion ratios, and departure recommendations based on drug science, with an emphasis on important considerations for working on synthetic drug cases.

- **Professor Gregory Dudley**
Eberly Family Distinguished Professor
Chair, C. Eugene Bennett Department of Chemistry
West Virginia University
Morgantown, West Virginia
- **Kelly Primrose**
United States Probation Officer
Middle District of Florida
- **Chase Scolnick, Esq.**
Keller Anderle, LLP
Irvine, California

PLEA BARGAINING

Panelists will discuss issues arising in plea bargaining, including DOJ policy, appeal waivers, Rule 11(c)(1)(C) plea agreements, stipulations, substantial assistance and Early Disposition Programs.

- **Rachelle Bedke, Esq.**
Assistant United States Attorney
Middle District of Florida
- **Matthew Mueller, Esq.**
Wiand Guerra King
Tampa, Florida
- **Marjorie Peerce, Esq.**
Ballard Spahr
New York, New York

Moderator:

- **Gus Centrone, Esq.**
Dunlap Bennett & Ludwig, PLLC
Tampa, Florida

3:20- 3:35 p.m.

COFFEE BREAK

THURSDAY (Continued)
SEPTEMBER 6, 2018

3:35 - 4:35 p.m.

CONCURRENT SESSIONS

DRUG OFFENSES:

OPIOIDS & CASES INVOLVING DEATHS

- **Angela Campbell, Esq.**
Dickey & Campbell Law Firm, PLC
Des Moines, Iowa
- **Karmen Coates**
United States Probation Officer
Middle District of Florida
- **Thomas Palermo, Esq.**
Assistant United States Attorney
Middle District of Florida

EVIDENCE-BASED

SMARTER SENTENCING RECOMMENDATIONS

This session will cover how to obtain “better” information that will improve the quality of our reports, allow for more comprehensive sentencing assessments, and enhance justifications of sentencing recommendations.

- **Odessa Baker**
United States Probation Officer
Middle District of North Carolina
- **Kathleen Gleason, Esq.**
Assistant Federal Defender
Middle District of North Carolina
- **R. Dale Parrish**
Assistant Deputy Chief
United States Probation Officer
Middle District of North Carolina
- **Brad Whitley**
Deputy Chief, United States Probation Officer
Middle District of North Carolina

4:40-5:40 p.m.

CONCURRENT SESSIONS

FIREARMS OFFENSES

Panelists will focus on guideline application issues related to firearms offenses along with a discussion of relevant case law

- **Chad Cordwell**
United States Probation Officer
Middle District of Florida
- **Alec Hall, Esq.**
Assistant Federal Defender
Middle District of Florida

Moderator:

- **Latour “LT” Lafferty, Esq.**
Holland & Knight, LLP
Tampa, Florida

EFFECTIVE DEFENSE SENTENCING ADVOCACY

The speaker will walk attendees through the process of preparing a strong, persuasive sentencing memorandum and sentencing presentation to the court.

- **Harry Sandick, Esq.**
Patterson Belknap Webb & Tyler LLP
New York, New York

5:45-7:15 p.m.

COCKTAIL RECEPTION

**FRIDAY
SEPTEMBER 7, 2018**

7:30-8:30 a.m.

CONTINENTAL BREAKFAST

8:30-9:45 a.m.

**A VIEW FROM THE BENCH
PLENARY SESSION**

Federal judges will discuss their personal views on federal sentencing policy and procedure. The panel will also discuss current events and topics in federal sentencing law.

- **The Honorable Nannette Brown**
*United States District Court
Eastern District of Louisiana*
- **The Honorable Susan Bucklew**
*United States District Court
Middle District of Florida*
- **The Honorable Denise Page Hood**
*United States District Court
Eastern District of Michigan*
- **The Honorable Amit Mehta**
*United States District Court
District of Columbia*

Moderator:

- **Morris "Sandy" Weinberg, Jr., Esq.**
*Zuckerman Spaeder, LLP
Tampa, Florida*

9:45-10:00 a.m.

COFFEE BREAK

10:00-11:15 a.m.

**UPDATE ON FEDERAL SENTENCING LAW AND POLICY
PLENARY SESSION**

This session will provide information regarding legislative developments in the criminal justice system. Panelists will discuss federal sentencing law and policy, including new precedent, changes in policies and procedures, and their personal opinions on sentencing issues.

- **The Honorable Ruben Castillo**
*Chief Judge, United States District Court
Northern District of Illinois*
- **Mary Price**
*Families Against Mandatory Minimums
Washington, DC*
- **Norman Reimer, Esq.**
*Executive Director
National Association of Criminal Defense Lawyers*
- **Jonathan Wroblewski, Esq.**
*Director of the Office of Policy and Legislation
Criminal Division, Department of Justice*

Moderator:

- **James E. Felman, Esq.**
*Kynes, Markman & Felman, P.A.
Tampa, Florida*

FRIDAY (Continued) SEPTEMBER 7, 2018

11:20 a.m.-12:20 p.m.

CONCURRENT SESSIONS

BUREAU OF PRISONS ISSUES

This panel will focus on practical aspects related to federal inmates. Topics to be discussed include security designations and classifications, the importance of the presentence report in the BOP, and sentence computation.

- **Todd Bussert, Esq.**
Frost Bussert, LLC
New Haven, Connecticut

DEPARTURES AND VARIANCES

This session will discuss developing case law and issues related to achieving sentencing departures and variances, including how to effectively communicate core sentencing themes through visuals. What do courts look for when considering a departure or variance? Are they possible in all cases or should you pick your battles depending on what you can accomplish in the plea bargaining process, and what is the specific court history related to departures and variances? Is there an appropriate but effective way to use visual communication in written sentencing submissions? Departures and variances, are they different or the same, how to get both out of your court.

- **Kerri Ruttenberg, Esq.**
Jones Day
Washington, DC
 - **Marcia Shein, Esq.**
Shein & Brandenburg
Atlanta, Georgia
- Moderator:
- **Katherine Earle Yanes, Esq.**
Kynes, Markman & Felman, P.A.
Tampa, Florida

12:20-12:45 p.m.

CLOSING REMARKS

A PERSPECTIVE ON FEDERAL SENTENCING FROM BOTH SIDES OF THE COURTROOM

Mr. Bentley will share his unique perspective as having served as the former U.S. Attorney for the Middle District of Florida and his current role as a defense attorney at Bradley.

- **A. Lee Bentley, III, Esq.**
Bradley Arant Boult Cummings, LLP
Tampa, FL

12:45 p.m.

ADJOURNMENT