



Case Law Update | Fourth Circuit

May 2024

First Step Act

United States v. Richardson, 96 F.4th 659 (4th Cir. 2024)

United States v. Newby, 91 F.4th 196 (4th Cir. 2024)

United States v. Smith, 75 F.4th 459 (4th Cir. 2023)

United States v. Troy, 64 F.4th 177 (4th Cir. 2023)

United States v. Reed, 58 F.4th 816 (4th Cir. 2023)

Compassionate Release

United States v. Davis, --- F.4th ---, 2024 WL 1662931 (4th Cir. Apr. 18, 2024)

United States v. Centeno-Morales, 90 F.4th 274 (4th Cir. 2024)

United States v. Brown, 78 F.4th 122 (4th Cir. 2023)

United States v. Mangarella, 57 F.4th 197 (4th Cir. 2023)

United States v. Malone, 57 F.4th 167 (4th Cir. 2023)

United States v. Bond, 56 F.4th 381 (4th Cir. 2023)

Categorical Approach

Armed Career Criminal Act

United States v. Hamilton, 95 F.4th 171 (4th Cir. 2024) (NC attempted robbery with a dangerous weapon)

United States v. Redd, 85 F.4th 153 (4th Cir. 2023) (MD first-degree assault)

United States v. Ogle, 82 F.4th 272 (4th Cir. 2023) (TN aggravated assault)

United States v. Brown, 67 F.4th 200 (4th Cir. 2023) (occasions clause)

United States v. Williams, 64 F.4th 149 (4th Cir. 2023) (VA robbery)

18 U.S.C. § 924(c)

United States v. Hunt, --- F.4th ---, 2024 WL 1626301 (4th Cir. Apr. 16, 2024) (VICAR attempted murder; VICAR attempted assault with a dangerous weapon)

United States v. Lassiter, 96 F.4th 629 (4th Cir. 2024) (VICAR attempted murder)

United States v. Tipton, 95 F.4th 831 (4th Cir. 2024) (VICAR murder)

United States v. Kinard, 93 F.4th 213 (4th Cir. 2024) (VICAR assault with a dangerous weapon)

United States v. Ortiz-Orellana, 90 F.4th 689 (4th Cir. 2024) (VICAR murder)

United States v. Thomas, 87 F.4th 267 (4th Cir. 2023) (VICAR assault with a dangerous weapon)

United States v. McDaniel, 85 F.4th 176 (4th Cir. 2023) (federal assault on a federal officer)

United States v. Draven, 77 F.4th 307 (4th Cir. 2023) (federal aiding and abetting carjacking resulting in death)

United States v. Green, 67 F.4th 657 (4th Cir. 2023) (Hobbs Act robbery)

United States v. Ivey, 60 F.4th 99 (4th Cir. 2023) (Hobbs Act robbery)

Felony Drug Offense (21 U.S.C. § 802)

United States v. Wysinger, 64 F.4th 207 (4th Cir. 2023) (VA manufacture, sale, or distribution of a Schedule I or II controlled substance)



Career Offender/§4B1.2

United States v. Robinson, 92 F.4th 531 (4th Cir. 2024) (NC assault inflicting physical injury by strangulation)

United States v. Davis, 75 F.4th 428 (4th Cir. 2023) (SC distribution of crack cocaine)

United States v. Miller, 75 F.4th 215 (4th Cir. 2023) (NC sale or delivery of a controlled substance)

United States v. Groves, 65 F.4th 166 (4th Cir. 2023) (federal aiding and abetting distribution of a controlled substance)

Relevant Conduct

United States v. Pettus, 90 F.4th 282 (4th Cir. 2024) (expanded relevant conduct)

United States v. Evans, 90 F.4th 257 (4th Cir. 2024) (jointly undertaken criminal activity)

Sex and Child Exploitation Offenses

United States v. Hoover, 95 F.4th 763 (4th Cir. 2024) (§§2G2.1(b)(2)(A) and (b)(5), 2G2.2(b)(5) and (c)(1), 4B1.5(b)(1))

United States v. Kokinda, 93 F.4th 635 (4th Cir. 2024) (§2A3.5(b)(1)(C))

United States v. Skinner, 70 F.4th 219 (4th Cir. 2023) (§2G2.1(b)(2)(A))

United States v. Ebert, 61 F.4th 394 (4th Cir. 2023) (§4B1.5(b)(1))

Firearms Offenses

United States v. Gross, 90 F.4th 715 (4th Cir. 2024) (§2K2.1(c)(1))

United States v. Pettus, 90 F.4th 282 (4th Cir. 2024) (§2K2.1(b)(6)(B))

United States v. Claybrooks, 90 F.4th 248 (4th Cir. 2024) (§2K2.1(a)(6))

United States v. Henderson, 88 F.4th 534 (4th Cir. 2023) (§2K2.1(b)(6)(B))

United States v. Mitchell, 78 F.4th 661 (4th Cir. 2023) (§2K2.1(b)(6)(B))

United States v. Miller, 75 F.4th 215 (4th Cir. 2023) (§2K2.1(b)(6)(B))

United States v. Dix, 64 F.4th 230 (4th Cir. 2023) (§2K2.1(b)(6)(B))

Drug Enhancements

United States v. Lee, --- F.4th ---, 2024 WL 1864945 (4th Cir. Apr. 30, 2024) (§ 851 enhancement)

United States v. Everett, 91 F.4th 698 (4th Cir. 2024) (§2D1.1 drug quantity)

United States v. Evans, 90 F.4th 257 (4th Cir. 2024) (§2D1.1(b)(1), (b)(2) and drug quantity)

United States v. Roy, 88 F.4th 525 (4th Cir. 2023) (fentanyl and procedural reasonableness)

United States v. Wysinger, 64 F.4th 207 (4th Cir. 2023) (felony drug offense)

Basic Guidelines Application

United States v. Groves, 65 F.4th 166 (4th Cir. 2023) (Guidelines commentary)

Rules Governing Multiple Counts

United States v. Hoover, 95 F.4th 763 (4th Cir. 2024) (§3D1.2)

Criminal History

United States v. Fowler, 58 F.4th 142 (4th Cir. 2023) (§4A1.2(a)(1), (f))



Other Offense Types

United States v. Hunt, --- F.4th ---, 2024 WL 1626301 (4th Cir. Apr. 16, 2024) (§2E1.1 – Racketeering)

United States v. Gross, 90 F.4th 715 (4th Cir. 2024) (§2A2.2 – Aggravated Assault)

United States v. Maynard, 90 F.4th 706 (4th Cir. 2024) (§2A2.2 – Aggravated Assault)

United States v. Reed, 75 F.4th 396 (4th Cir. 2023) (§2A6.1 – Threatening Communications; §2J1.2 – Obstruction of Justice)

United States v. Covington, 65 F.4th 726 (4th Cir. 2023) (§2P1.1 – Escape)

Chapter Three Adjustments

§3A1.2 – Official Victim

United States v. Mitchell, 78 F.4th 661 (4th Cir. 2023)

§3B1.1 – Aggravating Role

United States v. Huskey, 90 F.4th 651 (4th Cir. 2024)

United States v. Coby, 65 F.4th 707 (4th Cir. 2023)

§3C1.1 – Obstruction of Justice

United States v. Maynard, 90 F.4th 706 (4th Cir. 2024)

United States v. Pettus, 90 F.4th 282 (4th Cir. 2024)

§3C1.2 – Reckless Endangerment During Flight

United States v. Henderson, 88 F.4th 534 (4th Cir. 2023)

Restitution

United States v. Underwood, 95 F.4th 877 (4th Cir. 2024)

United States v. Taylor-Sanders, 88 F.4th 516 (4th Cir. 2023)

United States v. Taylor, 62 F.4th 146 (4th Cir. 2023)

Supervised Release

Terms and Conditions of Supervised Release

United States v. Lassiter, 96 F.4th 629 (4th Cir. 2024) (oral pronouncement)

United States v. Kemp, 88 F.4th 539 (4th Cir. 2023) (oral pronouncement)

United States v. Brantley, 87 F.4th 262 (4th Cir. 2023) (oral pronouncement; appellate procedure)

United States v. Amin, 85 F.4th 727 (4th Cir. 2023) (internet-monitoring conditions; delegation to probation)

United States v. Odum, 65 F.4th 714 (4th Cir. 2023) (delegation to probation)

United States v. Cohen, 63 F.4th 250 (4th Cir. 2023) (sex offender treatment, material depicting nudity, sexually oriented material, lifetime supervision)

United States v. Linville, 60 F.4th 890 (4th Cir. 2023) (Fifth Amendment privilege)

United States v. Castellano, 60 F.4th 217 (4th Cir. 2023) (pornography ban)

United States v. Sueiro, 59 F.4th 132 (4th Cir. 2023) (ban on viewing juvenile models, computer ban, adult pornography ban, video game ban)



Revocations

United States v. Lewis, 90 F.4th 288 (4th Cir. 2024)

United States v. Amin, 85 F.4th 727 (4th Cir. 2023)

United States v. Cohen, 63 F.4th 250 (4th Cir. 2023)

United States v. Castellano, 60 F.4th 217 (4th Cir. 2023)

Miscellaneous Issues

United States v. Underwood, 95 F.4th 877 (4th Cir. 2024) (acquitted conduct)

United States v. Castellon, 92 F.4th 540 (4th Cir. 2024) (collateral order doctrine; sentencing procedure)

United States v. Perry, 92 F.4th 500 (4th Cir. 2024) (substantive reasonableness)

United States v. Gross, 90 F.4th 715 (4th Cir. 2024) (standard of review)

United States v. Huskey, 90 F.4th 651 (4th Cir. 2024) (*Apprendi*)

United States v. Carter, 87 F.4th 217 (4th Cir. 2023) (sentencing procedure; Fifth Amendment privilege)

United States v. Toebbe, 85 F.4th 190 (4th Cir. 2023) (appellate waiver; Rule 11(c)(1)(C) plea)

United States v. Council, 77 F.4th 240 (4th Cir. 2023) (Federal Death Penalty Act)

United States v. Singletary, 75 F.4th 416 (4th Cir. 2023) (appellate waiver; resentencing on remand)

United States v. Ross, 72 F.4th 40 (4th Cir. 2023) (Eighth Amendment)

United States v. Kim, 71 F.4th 155 (4th Cir. 2023) (sentencing procedure)

United States v. Covington, 65 F.4th 726 (4th Cir. 2023) (sentencing procedure)

United States v. Coby, 65 F.4th 707 (4th Cir. 2023) (Ex Post Facto clause)

United States v. Dix, 64 F.4th 230 (4th Cir. 2023) (sentencing procedure)

United States v. Cannady, 63 F.4th 259 (4th Cir. 2023) (resentencing on remand)

United States v. Sueiro, 59 F.4th 132 (4th Cir. 2023) (procedural and substantive reasonableness)

United States v. Fowler, 58 F.4th 142 (4th Cir. 2023) (sentencing procedure; procedural reasonableness)

