

THIRTIETH 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,
and
The Criminal Law Section of the Federal Bar Association

**Wednesday - Friday
September 1-3, 2021**

**Tradewinds Island Resort
St. Pete Beach, Florida**

**WEDNESDAY
SEPTEMBER 1, 2021**

2:00 - 5:00 p.m.

**BASIC GUIDELINES TRAINING
(Optional Session)
TARPON/SAWYER KEY ROOMS**

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.

- **James T. Skuthan, Esq.** (LIVE)
*Assistant Federal Defender
Middle District of Florida*

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THURSDAY
SEPTEMBER 2, 2021

7:30-8:15 a.m.

REGISTRATION & CONTINENTAL BREAKFAST
(GRAND PALM COLONNADE/BANYAN BREEZEWAY)

8:15 a.m.

WELCOMING REMARKS
(TARPON/SAWYER KEY ROOMS)

8:30-9:45 a.m.

A VIEW FROM THE BENCH PLENARY SESSION
(TARPON/SAWYER KEY ROOMS)

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 Waverly Crenshaw (ZOOM)**
*United States District Court
Middle District of Tennessee*
- **The Honorable Xavier Rodriguez (ZOOM)**
*United States District Court
Western District of Texas*
- **The Honorable Thomas L. Parker (ZOOM)**
*United States District Court
Western District of Tennessee*
- **The Honorable Virginia Covington (LIVE)**
*United States District Court
Middle District of Florida*

Moderator:

- **Morris "Sandy" Weinberg, Jr., Esq. (ZOOM)**
*Zuckerman Spaeder, LLP
Tampa, FL*

9:45-10:00 a.m.

BREAK
(BANYAN BREEZEWAY)

10:00-11:15 a.m.

UPDATE ON FEDERAL SENTENCING LAW AND POLICY PLENARY SESSION
(TARPON/SAWYER KEY ROOMS)

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.

- **Mary Price, Esq. (ZOOM)**
*General Counsel, FAMM
Washington, DC*
- **Elizabeth Blackwood, Esq. (ZOOM)**
*Counsel & Project Director
First Step Act Resource Center
National Association of Criminal Defense Lawyers*
- **Michael Dreeben, Esq. (ZOOM)**
*O'Melveny
Washington, DC*
- **Jonathan Wroblewski, Esq. (ZOOM)**
*Director of the Office of Policy and Legislation
Criminal Division, Department of Justice*

Moderator:

- **James E. Felman, Esq. (ZOOM)**
*Kynes, Markman & Felman, PA
Tampa, FL*

THURSDAY (continued)
SEPTEMBER 2, 2021

11:15-12:45 p.m.

LUNCH ON YOUR OWN

12:45-1:45 p.m.

CONCURRENT SESSIONS

**APPROACHES TO THE
PRESENTENCING PROCESS**
(TARPON KEY ROOM)

This panel will discuss the varying practices and processes several different jurisdictions utilize during the presentencing process and in the preparation of the PSR.

- **Sean M. Dooley (LIVE)**
*Supervisory United States Probation Officer
Norther District of Oklahoma*
- **Omayra Hernandez-Vega (LIVE)**
*Sentencing Guidelines Specialist
United States Probation Office
Middle District of Florida*
- **John Bodden (ZOOM)**
*Chief United States Probation Officer
District of Oregon*
- **Jill Bushaw (ZOOM)**
*Deputy Chief United States Probation Officer
Norther District of Iowa*

Moderator:

- **Katherine Earle Yanes, Esq. (LIVE)**
*Kynes, Markman & Felman, PA
Tampa, FL*

ECONOMIC CRIMES
(SAWYER KEY ROOM)

This panel will discuss practical considerations for negotiating loss calculation in plea agreements, 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. The panel will also discuss the use of technology, live witnesses and other creative presentations at sentencing.

- **Barry Boss, Esq. (ZOOM)**
*Cozen O'Connor
Washington, DC*
- **Marissel Descalzo, Esq. (LIVE)**
*Tache Bronis & Descalzo, P.A.
Miami, FL*
- **John Lauro, Esq. (LIVE or ZOOM)**
*Lauro Law Firm
New York, NY or Tampa, FL*
- **Roger Handberg, Esq. (LIVE)**
*Chief, Orlando Division
United States Attorney's Office
Middle District of Florida*

Moderator:

- **Kevin J. Napper, Esq. (LIVE)**
*Kevin J. Napper, P.A.
Tampa, FL*

THURSDAY (continued)

SEPTEMBER 2, 2021

1:55-2:55 p.m.

CONCURRENT SESSIONS

3553 SENTENCING FACTORS (SAWYER KEY ROOM)

The purpose of the presentence investigation is to provide a timely, accurate, objective, and comprehensive report to the Court. One of the foundational aspects of the presentence investigation is the completion of a presentence interview.

- **Kathi Lucey, Esq. (LIVE)**
Attorney at Law
Tampa, FL
- **Katrina Clark (LIVE)**
United States Probation Officer
Middle District of Florida
- **Michael Gordon, Esq. (LIVE)**
Assistant United States Attorney
Middle District of Florida

Moderator:

- **Sylvia Irvin, Esq. (LIVE)**
Assistant Federal Defender
Middle District of Florida

BEYOND COMPASSIONATE RELEASE: CHALLENGING EXCESSIVE SENTENCES IN THE COURTS

(TARPON KEY ROOM)

Federal law strictly limits courts from revisiting and lowering finalized sentences. One narrow exception is for compassionate release under 18 U.S.C. § 3582(c)(1)(A). Until the First Step Act of 2018, only the BOP could bring a compassionate release motion. The Act reformed compassionate release by permitting judges to revisit sentences upon motion of the defendant. The panel will explore the rapid evolution of compassionate release from a way to free medically vulnerable people to a powerful tool in the hands of litigators seeking the release of those serving extreme mandatory minimum sentences that can no longer be imposed today. Panelists will discuss the current lay of the land, share litigation tips, and discuss best practices in working with individuals securing a freedom they did not expect to occur for years, decades, or ever.

- **Adeel Bashir, Esq. (ZOOM)**
Appeals Supervisor, Federal Defender's Office
Middle District of Florida
- **Marisa Taney, Esq. (ZOOM)**
Debevoise & Plimpton
New York, NY
- **Todd Ellerby (ZOOM)**
Formerly Incarcerated Person

Moderator:

- **Mary Price, Esq. (ZOOM)**
General Counsel, FAMM
Washington, DC

2:55- 3:10 p.m.

COFFEE BREAK (BANYAN BREEZEWAY)

THURSDAY (continued) SEPTEMBER 2, 2021

3:10– 4:10 p.m.

CONCURRENT SESSIONS

FIREARM OFFENSES (TARPON KEY ROOM)

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

- **Grady Irvin, Esq. (LIVE)**
*Irvin Law Firm
Tampa, FL*
- **Roger Handberg, Esq. (LIVE)**
*Assistant United States Attorney
Middle District of Florida*
- **Jenna Kelly, Esq. (ZOOM)**
*Assistant Federal Defender
Middle District of Florida*

Moderator:

- **James T. Skuthan, Esq. (LIVE)**
*Assistant Federal Defender
Middle District of Florida*

TAX CRIMES (SAWYER KEY ROOM)

This panel of experienced criminal tax practitioners will address sentencing issues encountered in tax cases including the applicable sentencing guidelines provisions, restitution, the relationship between criminal and civil tax issues, and effective sentencing advocacy.

- **The Honorable Steven D. Grimberg (LIVE)**
*United States District Court
Northern District of Georgia*
- **Jeffrey Neiman, Esq. (LIVE)**
*Marcus, Neiman, Rashbaum, & Pineiro, LLP
Fort Lauderdale, FL*
- **Kevin Downing, Esq. (LIVE)**
*Law Offices of Kevin Downing
Washington, DC*

Moderator:

- **Matthew Mueller, Esq. (LIVE)**
*Fogarty Mueller Harris, PLLC
Tampa, FL*

4:20 - 5:20 p.m.

CONCURRENT SESSIONS

PATTERN/THE RISK AND NEEDS ASSESSMENT (TARPON KEY ROOM)

The First Step Act holds the promise of early release for federal prisoners who successfully participate in qualified BOP Programs and Productive Activities. This panel will explore the mechanics of the Act's earned time credits and the "Risk and Needs Assessment System" used by BOP to award these credits, including the new "PATTERN" risk assessment tool created pursuant to the Act.

- **The Honorable John R. Tunheim (ZOOM)**
*Chief Judge, United States District Court
District of Minnesota*
- **James E. Felman, Esq. (ZOOM)**
*Kynes, Markman & Felman, PA
Tampa, FL*

DRUG OFFENSES (SAWYER KEY ROOM)

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.

- **Cal Albritton, Esq. (LIVE)**
*Assistant United States Attorney
Middle District of Florida*
- **Christina Woehr, Esq. (LIVE)**
*Assistant Federal Defender
District of Arizona*
- **Jacqueline Widmeier (LIVE)**
*Supervising United States Probation Officer
Eastern District of Pennsylvania*

Moderator:

- **Gus Centrone, Esq. (LIVE)**
*Kynes, Markman & Felman, PA
Tampa, FL*

**FRIDAY
SEPTEMBER 3, 2021**

7:30-8:30 a.m.

**CONTINENTAL BREAKFAST
(BANYAN BREEZEWAY)**

8:30-9:30 a.m.

**HOW TO USE EMPIRICAL DATA TO IMPROVE SENTENCING OUTCOMES
(TARPON/SAWYER KEY ROOMS)**

Mr. Yaeger will explore various cases that have used empirical evidence to reduce an offenders sentence. He also will explore various reports and databases that can be utilized to strengthen your sentencing memorandums and obtain optimum results for your clients.

- **Michael Yaeger, Esq. (LIVE)**
Founder, Empirical Justice, LLC
Partner, Carlton Fields
New York, NY

9:30-9:45 a.m.

**COFFEE BREAK
(BANYAN BREEZEWAY)**

9:45-10:45 a.m.

CONCURRENT SESSIONS

**FORFEITURE AND RESTITUTION
(TARPON KEY ROOM)**

This panel on Forfeiture and Restitution will explain that forfeiture and restitution are separate, mandatory elements of a defendant's sentence for most felony offenses. Each serves a different purpose and they are calculated differently. The panel will explain those calculations and how they both differ from the Guidelines loss calculation. Lastly, the panel will address collection of restitution, the benefit of paying restitution before sentencing, and how the Department of Justice uses forfeiture to pay victims.

- **Anita Cream, Esq. (LIVE or ZOOM)**
Chief, Asset Recovery Division
United States Attorney's Office
Middle District of Florida
- **David B. Smith, Esq. (ZOOM)**
David. B. Smith, PLLC
Alexandria, VA

**PLEA BARGAINING
(SAWYER KEY ROOM)**

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.

- **Alec Hall, Esq. (LIVE)**
Federal Defender
Middle District of Florida
 - **Jon May, Esq. (ZOOM)**
Jones Walker
Miami, FL
 - **Simon Gaugush, Esq. (LIVE)**
Carlton Fields
Tampa, FL
- Moderator:
- **Brian Shrader, Esq. (LIVE)**
Shrader Law, PLLC
Tampa, FL

FRIDAY (continued) SEPTEMBER 3, 2021

10:55 a.m. - 11:55 a.m.

CONCURRENT SESSIONS

CRIMINAL HISTORY (TARPON KEY ROOM)

The panelists will discuss the role of criminal history in determining sentences. Government and defense attorneys will offer their perspectives. Topics will include the interplay of criminal history and the purposes of sentencing, calculation of a defendant's criminal history points under the United States Sentencing Guidelines, criminal history in a defendant's pre-sentence investigation report, and issues presented by recent jurisprudence and amendments to the Guidelines.

- **Parker Anderson (LIVE)**
*Assistant Deputy Chief
United States Probation Officer
Middle District of Florida*
- **Natalie Adams, Esq. (LIVE)**
*Violent Crimes Section
United States Attorney's Office
Middle District of Florida*
- **Rachel Zysk, Esq. (LIVE)**
*Suarez Law Firm
Tampa, FL*

Moderator:

- **Jason Mehta, Esq. (LIVE)**
*Bradley
Tampa, FL*

EFFECTIVE DEFENSE SENTENCING ADVOCACY (TARPON KEY ROOM)

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

- **Brian Jacobs, Esq. (ZOOM)**
*Morvillo Abramowitz Grand Iason & Anello PC
New York, NY*
- **Daniel Filor, Esq. (ZOOM)**
*Greenberg Traurig, LLP
New York, NY*
- **Theresa Van Vliet, Esq.**
*Genovese Joblove & Battista, P.A.
Miami, FL*

Moderator:

- **Gregory Kehoe, Esq.**
*Greenberg Traurig, LLP
Tampa, FL*

CLE Information (credit will be sought in the following states)

Alabama	Pennsylvania
Florida	Tennessee
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Ohio	Washington, DC
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For additional information visit www.federalbartampa.org