

THIRTY-FIRST 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
August 31-September 2, 2022

Tradewinds Island Resort
St. Pete Beach, Florida

WEDNESDAY
AUGUST 31, 2022

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.

- **Jim Skuthan, Esq.**
Assistant Federal Defender
Middle District of Florida

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**Z**

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THURSDAY
SEPTEMBER 1, 2022

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 Micaela Alvarez**
*United States District Court
Southern District of Texas*
- **The Honorable Leslie Abrams Gardner**
*United States District Court
Middle District of Georgia*
- **The Honorable William Jung**
*United States District Court
Middle District of Florida*
- **The Honorable Brian Miller, Chief Judge**
*United States District Court
Eastern District of Arkansas*

Moderator:

- **Morris "Sandy" Weinberg, Jr., Esq.**
*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.**
*General Counsel, FAMM
Washington, DC*
- **Patricia Richman, Esq.**
*Sentencing Resource Counsel,
Federal and Community Defenders*
- **Lisa Monet Wayne, 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, PA
Tampa, FL*

11:15-12:45 p.m.

LUNCH ON YOUR OWN

THURSDAY (CONT.) SEPTEMBER 1, 2022

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.

- **Shavaughn Chapman**
*Supervisory United States Probation Officer
District of New Jersey*
- **Joseph DaGrossa, PhD.**
*Supervisory United States Probation Officer
District of New Jersey*
- **The Honorable Robert B. Kugler**
*Senior United States District Court
District of New Jersey*

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.

- **Marissel Descalzo, Esq.**
*Tache Bronis & Descalzo, P.A.
Miami, FL*
- **Avi Perry, Esq.**
*Chief, Market Integrity and Major Frauds Unit
Fraud Section, Department of Justice*
- **Kannan Sundaram, Esq.**
*Assistant Federal Defender
Eastern District of New York*

Moderator:

- **Barry Boss, Esq.**
*Cozen O'Connor
Washington, DC*

1:50-2:50 p.m.

CONCURRENT SESSIONS

BUREAU OF PRISONS ISSUES (TARPON KEY ROOM)

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, CT*

LOOKING FORWARD TO PREVENT GOING BACK (SAWYER KEY ROOM)

The field of community corrections has embraced evidenced-based practices (EBP) to increase successful reintegration of individuals under supervision into the community while continuing to protect the community. The Middle District of North Carolina has been a leader in integrating these practices into supervision. More recently, our district has actively pursued incorporating EBP and research into presentence investigation practices. The panel from MDNC will discuss the development of supplemental questions to specifically address recidivism factors, how interviewing methods have changed, and the impact of those changes on case analysis and sentencing recommendations.

- **Odessa Baker**
*Supervisory United States Probation Officer
Middle District of North Carolina*
- **Amelia Bevirt**
*United States Probation Officer
Middle District of North Carolina*
- **The Honorable William L. Osteen, Jr.**
*United States District Court
Middle District of North Carolina*
- **Sonya Schroeder**
*United States Probation Officer
Middle District of North Carolina*

THURSDAY (CONT.)
SEPTEMBER 1, 2022

2:50- 3:05 p.m.

COFFEE BREAK

3:05- 4:05 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.

- **Kasey Fuqua**
United States Probation Officer
Middle District of Florida
- **Christina Woehr, Esq.**
National Sentencing Resource Counsel
Federal Public and Community Defenders
District of Arizona

Moderator:

- **Cal Albritton, Esq.**
Assistant United States Attorney
Middle District of Florida

DEFENSE SENTENCING ADVOCACY
(SAWYER KEY ROOM)

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

- **Alec Hall, Esq.**
Federal Defender
Middle District of Florida
- **Gregory Kehoe, Esq.**
Greenberg Traurig, P.A.
Tampa, FL
- **Robert O'Neill, Esq.**
O'Neill Law Group
Apollo Beach, FL

Moderator:

- **Jordan L. Behlman, Esq.**
Greenberg Traurig, P.A.
Tampa, FL

4:10 - 5:10 p.m.

CONCURRENT SESSIONS

VIOLATION PROCESS
(TARPON KEY ROOM)

- **Sharla Belluomo**
Senior United States Probation Officer
Northern District of Oklahoma
- **Victor D. Carlo, Esq.**
Supervising United States Probation Officer
District of Puerto Rico
- **Patrick Hattersley**
Senior United States Probation Officer
District of New Jersey

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.

- **Vince Citro, Esq.**
Law Offices of Horwitz & Citro
Orlando, FL
- **Rachel Jones, Esq.**
Assistant United States Attorney
Middle District of Florida
- **John Relyea**
Supervisory Special Agent
Internal Revenue Service, Criminal Investigations

Moderator:

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

5:30-7:15 p.m.

COCKTAIL RECEPTION

**FRIDAY
SEPTEMBER 2, 2022**

7:30-8:30 a.m.

CONTINENTAL BREAKFAST

8:30-9:45 a.m.

TBD PLENARY

9:45-10:00 a.m.

COFFEE BREAK

10:00-11:00 a.m.

CONCURRENT SESSIONS

**PLEA BARGAINING
(TARPON 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.

- **Andy Birrell Esq.**
*Birrell Law Firm, PLLC
Minneapolis, MN*
- **Vanessa Johannes, Esq.**
*Carlton Fields
Miami, FL*
- **Jason Mehta, Esq.**
*Bradley
Tampa, FL*

Moderator:

- **Brian Shrader, Esq.**
*Shrader Law, PLLC
Tampa, FL*

**ETHICAL ISSUES AT SENTENCING
(SAWYER KEY ROOM)**

- The Ethical Issues at Sentencing panel will discuss and explore issues (from the prosecution and defense perspective) that arise when clients want to present “evidence” at sentencing which is untrue or ethically challenged, what to do when the Presentence Report has “factual” items which are inaccurate or untrue, what to do when the prosecution backs up on a previously agreed upon plea agreement and many other ethical issues at sentencing.

- **Hank Asbill, Esq.**
*Buckley, LLP
Washington, DC*
- **Carlton Gammons, Esq.**
*Assistant United States Attorney
Middle District of Florida*
- **Grady Irvin, Esq.**
*Irvin Law Firm
Tampa, FL*
- **Professor Ellen Podgor**
*Gary R. Trombley Family White-Collar Crime
Research Professor of Law
Stetson University College of Law
Gulfport, FL*

Moderator:

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

**FRIDAY
SEPTEMBER 2, 2022**

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

CONCURRENT SESSIONS

**COMPASSIONATE RELEASE
(TARPON KEY ROOM)**

- **Mary Price, Esq.**
*General Counsel, FAMM
Washington, DC*
- **TBD**
- **TBD**

**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.

- **Omayra Hernandez-Vega**
*United States Probation Officer
Middle District of Florida*
- **A.J. Kramer, Esq.**
*Federal Defender
District of Columbia*
- **Taylor Stout, Esq.**
*Assistant United States Attorney
Violent Crimes Unit
Western District of North Carolina*

Moderator:

- **Gus M. Centrone, Esq.**
*Kynes, Markman & Felman, P.A.
Tampa, FL*

12:05 p.m.

ADJOURNMENT