

Example Summary Output

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LexRank Only

(2010) UNITED STATES of America, Plaintiff-Appellee, v. Paul Edward THOMAS; Derrick Van Hodges, Defendants-Appellants.

Each robbery was completed within two minutes.

The basis for the warrant was DNA evidence linking Hodges to a glove dropped during a bank robbery in Henderson, Texas.

Thomas and Hodges were named in an 18-count indictment charging them with conspiracy, bank robbery, and weapons offenses related to the following bank robberies: 1.

DISCUSSION I. Sufficiency of the Evidence Thomas and Hodges argue the government presented insufficient evidence identifying them as the bank robbers.

Thomas claims the evidence against Hodges was much stronger and implies that Thomas was found guilty by association.

United States v. Clayton.

Its motor was still running.

On the ground outside the vehicle was a t-shirt.

In addition, the .380 cartridge found in the vehicle was made by the same manufacturer as .380 cartridges later found in Thomas’s storage units.

[1] The probability that the DNA came from an African-American other than Thomas was 1 in 1,274 (left shoe) and 1 in 883 (right shoe).

Evidence as to Hodges Nuclear DNA analysis was performed on the t-shirt found outside the getaway vehicle.

The probability that the DNA on the t-shirt came from an African-American other than Hodges was 1 in 966.2 million.

Inside the getaway vehicle was a second empty cartridge casing.

The car was headed west.

The probability that the DNA came from an African-American other than Hodges was 1 in 228.7 billion.

The jury was invited to compare the photos for a potential connection to Hodges.

Austin Bank?Troup, Texas The robbers fled this bank robbery in a stolen Chevrolet Blazer, which was found running and displayed damage to the steering column.

The evidence as to each defendant is similar.

Hodges was driving a rented Dodge; his only passenger was Thomas.

A hair found inside the hat was analyzed using mitochondrial DNA testing.

The probability that the hair came from an African-American other than Thomas was 1 in 385.

This evidence thus cannot link a particular defendant to this getaway vehicle.

The jury was fully informed of Thomas and Hodges’ relationship and this feature of mitochondrial DNA.

Bank of America—Lufkin, Texas In this robbery, there was evidence that at least three vehicles were broken into and had their steering columns damaged.

It was then abandoned, and a van was used by the fleeing robbers.

Evidence as to Thomas No DNA or physical evidence linked Thomas to this bank robbery.

The probability that the DNA came from an African-American other than Hodges was 1 in 6.579 sextillion (21 zeros after the integer).

Citizens National Bank? Crockett, Texas In preparation for this robbery, the bank robbers stole their getaway vehicle from a car lot approximately 30 to 35 miles south of Crockett.

Evidence as to Thomas The bank had mixed a number of \$10 bait bills into the money taken during this robbery.

A fifth bait bill was found in a child's room during a search of Thomas's house.

Evidence as to Hodges Hodges had one of the bait bills in his wallet when he was arrested approximately one week after this robbery.

Without overwhelming direct evidence on these counts, the jury must have considered the circumstantial evidence against Thomas and Hodges, then drawn an inference that they were the bank robbers in each robbery.

In this case, the element requiring inferences to be drawn is identification.

“ United States v. Kington.

In light of “the pattern of dealing suggested by the government's evidence,” a jury may reasonably conclude that “the only plausible explanation of the evidence was the government's theory.

In the present case, the government presented a substantial amount of evidence that the bank robberies were executed in the same manner: a getaway vehicle was stolen in a particular way; there were always two robbers; clothing covered the robbers' exposed skin; weapons were brandished; the shorter man jumped the teller counter; the robbers were in and out within two minutes; and the still-running getaway vehicle was soon abandoned for another vehicle.

This evidence also enabled the jury to determine whether the execution of each bank robbery was so identical as to permit an inference that the bank robbers in each were the same.

This evidence may have permitted the jury to identify a bank robber who was missing a finger.

The government introduced other evidence implicating Thomas.

After the close of evidence, the jury was instructed on drawing inferences from the evidence.

Circumstantial evidence is proof of a chain of events and circumstances indicating that something is or is not a fact.

The jury was also instructed to consider separately the evidence for each count and each defendant: A separate crime is charged against both Defendants in each count of the superseding indictment.

The government's evidence is weakest as to Thomas's convictions relating to the fourth bank robbery.

His co-conspirator, Hodges, is tied to that robbery by DNA evidence, and the probability that the DNA sample from that robbery came from an African-American other than Hodges was 1 in 6.579 sextillion.

It was denied.

“ United States v. Pofahl.

Still, if a joint trial would prejudice a defendant, district courts may sever the defendants' trials.

United States v. Mitchell.

“ United States v. Daniels.

A defendant is entitled to a reversal on this issue only if he identifies specific events during trial and demonstrates that these events caused him substantial prejudice.

Even when there is some risk of prejudice, limiting instructions will generally prevent actual harm to a defendant: Even if there were some risk of prejudice here, the district court gave the very limiting instructions that the Supreme Court has approved as usually sufficient to cure this character of prejudice: (1) that the jury must consider the evidence separately and independently for each defendant and each charge; (2) that the government's burden was to prove each defendant's guilt beyond a reasonable doubt; (3) that no inferences must be drawn from a defendant's exercise of the right to silence; and (4) that statements by the lawyers, including opening and closing arguments, are not evidence.

These limiting instructions were given in this case.

We conclude there was no abuse of discretion in the denial of these motions.

“ This is in part explained by the fact that Hodges was also known as “Derrick Thomas.

“ This fact was explained to the jury.

This argument is implicitly premised on a codefendant's right to maximize his opportunity for acquittal.

Thomas's attorney sought to convince jurors of the weakness of the evidence against his client by highlighting the more substantial evidence against Hodges: Now, the other thing that's significant about this, what type of hair was it that was tested that [the government] claimed came back to Paul Thomas?...

This argument of Thomas's counsel lent credence to the government's DNA evidence against Hodges.

On the other hand, argument of counsel is not evidence and is not to be considered as such by the jury.

"Zafiro v. United States.

See United States v. Sibley-59 (5th Cir.2006).

Specifically, he acknowledges that his 151-month sentence for conspiracy and bank robbery convictions was "fair," but takes issue with his 1,284-month sentence for the weapons convictions.

He points out that no one was physically harmed in the bank robberies.

[2] Hodges' sentence was not grossly disproportionate to the offenses he committed.

Each robbery was a "crime of violence.

Juror bias may also be implied in "extreme circumstances," as in "when the juror is employed by the prosecuting agency, is a close relative of a participant in the trial, or is somehow involved in the transaction that is the subject of the trial.

There is no evidence, though, that this was a misrepresentation.

"The district court did not abuse its discretion in denying Hodges' motion for an evidentiary hearing or new trial.

The defendants' convictions and sentences are AFFIRMED.

When we note that one of the defendants could not be excluded, that means the other defendant was excluded.

Simplified

Each robbery was completed within two minutes.

Thomas and Hodges were named in an 18-count indictment charging them with conspiracy, bank robbery, and weapons offenses related to the following bank robberies: 1.

Austin Bank in Troup, Texas.

DISCUSSION I. Sufficiency of the proof Thomas and Hodges argue the government presented insufficient evidence identifying them as the bank robbers.

Thomas claims and the proof against Hodges implies that association found Thomas guilty.

The proof was much stronger.

Hodges was 'weak in some instances.

This happened after a bank robbery was also 'happenstance.

United States v. Clayton.

We apply this standard of review to direct and circumstantial evidence.

This Evidence demonstrated the robberies were conducted similarly.

Its motor was still running.

On the ground outside the vehicle was a t-shirt.

(1) The probability that the DNA came from an African-American other than Thomas was 1 in 1,274 (left shoe) and 1 in 883 (right shoe).

The probability that the DNA on the t-shirt came from an African-American other than Hodges was 1 in 966.2 million.

Inside the getaway vehicle was a second empty cartridge casing.

This eyewitness stepped outside of his office to observe traffic.

The car was headed west.

The probability that the DNA came from an African-American other than Hodges was 1 in 228.7 billion.

Austin Bank – Troup, Texas The robbers fled this bank robbery in a stolen Chevrolet Blazer, which

displayed damage to the steering column.

This Blazer was found running.

The proof as to each defendant is similar.

Hodges was driving a rented Dodge ; his only passenger was Thomas.

The Dodge was returned to the rental company.

The probability that the hair came from an African-American other than Thomas was 1 in 385.

This evidence thus can not link a particular defendant to this getaway vehicle.

The jury was fully told of Thomas and Hodges's relationship and this feature of mitochondrial DNA.

Thomas argued that he could not have provided the hair in question because he is bald ; therefore , he alleged , this evidence properly implicated only Hodges .

Bank of America — Lufkin, Texas in this robbery , there was proof that at least three vehicles were broken into and had their steering columns damaged.

But this someone broke into a car.

It was then abandoned.

Evidence as to Thomas No DNA or physical evidence linked Thomas to this bank robbery.

The probability that the DNA came from an African-American other than Hodges was 1 in 6.579 sextillion (21 zeros after the integer).

Citizens National Bank – Crockett , Texas In preparation for this robbery , the bank robbers stole their getaway vehicle from a car lot approximately 30 to 35 miles south of Crockett .

Evidence as to Thomas The bank had mixed some \$ 10 bait bills into the money taken during this robbery.

Evidence as to Hodges Hodges had one of the bait bills in his wallet when he was arrested approximately one week after this robbery.

Analysis of the proof The strength of the proof against each defendant varies from offense to offense.

We now consider whether the government presented sufficient evidence to sustain Thomas's convictions relating to the second, and third , and fourth robberies.

In this case , the element requiring inferences to be drawn is identification.

United States v. Kington .

In light ' of the pattern of dealing suggested by the government's evidence, ' a jury may reasonably conclude that ' the only plausible explanation of the proof was the government's theory.

This evidence also enabled the jury to choose whether the execution of each bank robbery was so identical as to permit an inference that the bank robbers in each were the same.

This evidence may have permitted the jury to identify a bank robber.

This robber was missing a finger.

The government introduced other proof implicating Thomas.

The government also named the property manager of Thomas's storage units to testify.

After the close of evidence, the jury was told on drawing inferences from the proof.

Whether the proof is direct or circumstantial.

Circumstantial evidence is proof of a chain of events and circumstances indicating that something is or is not a fact.

The jury was also told to consider separately the proof for each count and each defendant : A separate crime is charged against both Defendants in each count of the superseding indictment.

The circumstantial proof must be viewed in light of the pattern proof.

In the present case, a reasonable inference from the proof is that Thomas and Hodges committed all five bank robberies.

The government 's evidence is weakest as to Thomas 's convictions relating to the fourth bank robbery.

And the probability that the DNA sample from that robbery came from an African-American other Hodges was 1 in 6.579 sextillion.

It was denied.

United States v. Pofahl .

United States v. Mitchell .

United States v. Daniels .

This prejudice resulted in an unfair trial.

The trial court was which unable to afford protection.

A defendant is entitled to a reversal on this issue and he demonstrates that these events caused him substantial prejudice.

Even when there is some risk of prejudice , limiting instructions will generally prevent actual harm to a defendant : Even if there were some risk of prejudice here , the district court gave the very limiting instructions that the Supreme Court has approved as usually sufficient to cure this character of prejudice : (1) that the jury must consider the evidence separately and independently for each defendant and each charge ; (2) that the government 's burden was to prove each defendant 's guilt beyond a reasonable doubt ; (3) that no inferences must be drawn from a defendant 's exercise of the right to silence ; and (4) that statements by the lawyers , including opening and closing arguments , are not evidence .

These limiting instructions were given in this case.

We conclude there was no abuse of discretion in the denial of these motions.

This is in part explained by the fact that Hodges was also known as “ Derrick Thomas.

This fact was explained to the jury.

Thomas argues that the proof against him was weaker than the proof against Hodges, ‘ but the jury might have attributed greater knowledge to him of his brother actions than in fact was the case , simply because they were brothers.

This argument is implicitly premised on a codefendant 's right to maximize his opportunity for acquittal.

This was due to statements Thomas's attorney made in closing argument.

Thomas 's attorney sought to convince jurors of the weakness of the evidence against his client by highlighting the more substantial evidence against Hodges : Now , the other thing that 's significant about this , what type of hair was it that was tested that (the government) claimed came back to Paul Thomas ?

This defendant fails to preserve the issue for appeal.

United States v. Soto .

This argument of Thomas 's counsel lent credence to the government 's DNA evidence against Hodges.

Zafiro v. United States.

Our analysis of this issue could end here.

Specifically , he acknowledges that his 151-month sentence for conspiracy and bank robbery convictions was “ fair ,” but takes issue with his 1,284-month sentence for the weapons convictions .

Hodges claims that this “ life sentence without the possibility of parole or early release ” is unduly harsh and disproportionate to recent bank robbery cases in this circuit .

He points out that no one was physically harmed in the bank robberies.

This sentence is greatly disproportionate to the offense.

(2) Hodges ' sentence was not grossly disproportionate to the offenses he committed.

Each robbery was a “ crime of violence.

See, the defendant's ‘ sentence is a long one.

This happens As the Supreme Court has written in a three-strikes case.

Hodges did not raise this issue with the district court until shortly.

This is shown through admission or factual proof.

There is no proof, though , that this was a misrepresentation.

The district court did not abuse its discretion in denying Hodges ' motion for an evidentiary hearing or new trial.

When we note that one of the supporters could not be excluded, that means: The other defendant was excluded.

Compressed

LESLIE SOUTHWICK Circuit Judge Paul Edward Thomas and Derrick Van Hodges were convicted of counts of conspiracy bank robbery and weapons possession .

Bank robberies were executed in manner .

Each robbery was completed within two minutes .

Derrick Van Hodges was arrested in Tyler Texas on state warrant .

The basis for the warrant was evidence linking Hodges to glove dropped during a bank robbery in Henderson Texas .

Bait bill was found in child 's bedroom .

DISCUSSION Sufficiency of Evidence Thomas and Hodges argue government presented evidence identifying them as bank robbers .

Thomas claims the evidence against Hodges was stronger and implies that Thomas was found guilty by association .

Hodges presents arguments challenging lack of eyewitness identification weapons and ammunition and testing that was weak .

He argues that his matches happenstance because he was .

Defendants preserved the challenge to sufficiency by moving at the close .

See United States .

United States .

“ United States) .

We begin by summarizing evidence introduced for bank subdividing show evidence against each defendant .

Its motor was running .

On ground outside the vehicle was t-shirt .

The cartridge found in the vehicle was made as cartridges found in Thomas 's units .

Analysis was performed on tennis shoes found inside the vehicle .

Evidence to Hodges Nuclear analysis was performed on t-shirt found outside the vehicle .

The probability that DNA came than Hodges was 1 .

The vehicle was found with its engine running and damaged steering column .

Inside getaway vehicle was cartridge casing .

The car was driven west .

A man wearing a skull cap was driving and had a passenger .

The car was headed west .

The probability that DNA came than Hodges was 1 .

It was similar as captured by the camera .

The jury was invited to compare the photos to Hodges .

Texas robbers fled bank robbery in a Chevrolet Blazer was found running and displayed damage to the steering column .

The evidence to defendant is similar .

Hodges was driving a rented Dodge his passenger was Thomas .

After Dodge was returned to the company law enforcement removed tires to abandoned Blazer .

These were not tires and there was no proof that tires left prints .

A hair found inside the hat was analyzed using testing .

Thomas could not be excluded .

The probability that hair came than Thomas was 385 .

FBI examiner testified that 1 was match given FBI 's database .

Evidence not link defendant to vehicle .

The jury was informed of Thomas and Hodges ' relationship .

Texas In robbery there was evidence that vehicles were broken and had their steering columns damaged .

At used car lot four to five miles from the bank someone cut the chain to lot broke into a car but did not take the vehicle .

It was abandoned and van was used by robbers .

Evidence to Thomas evidence linked Thomas to bank robbery .

The probability that the DNA came than Hodges was 1 .

Texas In preparation for robbery bank robbers stole their vehicle from a car lot miles .

The vehicle was found from the bank with damage to the steering column .

Bait bill was found in child 's room .

Evidence to Hodges Hodges had one of the bait bills he was arrested one week after robbery .

Analysis of evidence The strength of evidence against defendant varies from offense to offense .

The evidence and bait bills constitute evidence against Thomas sustain convictions relating to the first and bank robberies and evidence against Hodges sustain convictions relating to bank robberies .

Thomas has not presented any evidence that the results are not significant .

We consider whether the government presented evidence to sustain Thomas 's convictions relating .

Without evidence the jury have considered the evidence against Thomas and Hodges drawn inference that they were bank robbers in robbery .

" United States) .

" States .

In case the government presented a substantial amount of evidence that the bank robberies were executed vehicle was stolen there were robbers clothing covered robbers ' exposed skin weapons were brandished the man jumped teller robbers were within minutes and getaway vehicle was abandoned for vehicle .

Evidence enabled the jury to determine whether the execution of bank robbery was identical as permit inference that the bank robbers were the same .

Evidence have permitted jury identify bank robber who was missing a finger .

Government introduced evidence implicating Thomas .

Government called property manager of Thomas 's units to testify .

After close of evidence the jury was instructed on drawing inferences from evidence .

The instruction is not challenged .

Evidence is proof of a chain of events and circumstances indicating that something is or is not fact .

The jury was instructed to consider evidence for each count and defendant crime is charged against Defendants in count of superseding indictment .

The case of Defendant should be considered .

You give consideration to the evidence to Defendant .

Instructions informed jurors that they could not punish Thomas for robbery for which the government presented evidence .

See United States .

Jurors infer from the pattern itself that is explained .

In case inference from the evidence is that Thomas and Hodges committed bank robberies .

The government 's evidence is weakest .

, Hodges is tied to robbery by evidence and the probability that the sample from robbery came than Hodges was 1 .

It was denied .

Hodges claims that pointing out another defendant 's culpability defense .

Like Thomas Hodges argues that confusion in identifying the defendants requires reversal .

It is the rule not the exception , .

” States .

If trial prejudice defendant district courts sever defendants ’ trials .

United States .

” States .

To demonstrate an abuse of discretion , “ the defendant bears the burden and prejudice must be .

United States .

Even there is risk of prejudice limiting instructions prevent harm to defendant Even if there were some risk of prejudice district court gave instructions that the Supreme Court has approved cure character of prejudice that the jury must consider the evidence and for each defendant and charge that the government ’s burden was to prove defendant ’s guilt drawn and statements are not evidence .

These limiting instructions were given in this case .

We conclude there was abuse of discretion in denial of motions .

” This is in part “ .

” States .

There is right .

United States .

Argument of counsel is not evidence and is not to be considered as by the jury .

United States .

The trial court was entitled to consider prejudice to Hodges also government interest and ways in which it lessen prejudice .

” States .

See United States .

Challenge to Deal v. United States defendants argue that their second or weapons convictions should not have been stacked create sentences totaling over years .

Thomas states that second or weapons convictions should not be applied .

States .

Thomas ’s preservation is clear .

We do not decide whether is preserved .

At trial the government did not contest inaccuracy but argued that Thomas and Hodges had not met their burden require hearing or suppression of evidence .

On appeal the government acknowledges error and argues that the remaining statements challenged by Thomas are peripheral .

The district court denied Thomas ’s motion finding that Thomas had not provided evidence that the government ’s statements were false .

We review for error the district court finding that not false .

United States .

; States .

United States .

A determination is a decision as to whether there is a probability that will be found in place .

He acknowledges that his sentence for conspiracy and bank robbery convictions was fair .

He points out that no one was harmed in bank robberies .

(Hodges ’ sentence was not disproportionate to the offenses he committed .

Each robbery was a crime .

The portion of the sentence was the result of a decision to establish mandatory sentences for weapons offenses .

See Supreme Court has written in case the defendant ’s sentence one .

– Juror Bias Hodges argues that juror misconduct bias warrant a trial or hearing on juror ’s impartiality .

Hodges did not raise this issue with the district court after the jury issued its verdict .

Defendant show actual or juror bias .

” United States) .

There is no evidence that this was a misrepresentation .

The district court did not abuse its discretion .

The defendants ’ convictions and sentences are AFFIRMED .

We note that one of the defendants could not be excluded that means the defendant was excluded .

The McGruder court stated it was following Justice Kennedy ’s opinion it devised test .

Hodges ’ argument is meritless .

Disaggregated

(2010) UNITED STATES of America, Plaintiff-Appellee, v. Paul Edward THOMAS; Derrick Van Hodges, Defendants-Appellants.

Ireland, Carroll , Kelley for Thomas is P.C.

Ireland, Carroll , Kelley for Thomas is Tyler.

Ireland, Carroll , Kelley for Thomas is TX.

Hodges had in his possession a \$ 10 bait bill taken a week earlier during the robbery of a bank in Crockett, Texas.

At that time, arrested.

America Henderson, is Texas ; 3.

Austin Bank is Troup, Texas.

Thomas, Hodges , were jointly tried before a jury.

Thomas claims.the evidence against Hodges implies that Thomas was found guilty by association.

The evidence against Hodges was much stronger.

Hodges presents similar arguments, weapons , ammunition ‘ so common as to appear anywhere in the country ’ , ; , DNA testing .

Hodges was ‘ weak in some instances.

He argues that his repeated DNA matches were ‘ happenstance .

So, that his repeated DNA matches were ‘ happenstance ’ .

A bank robbery was also ‘ happenstance.

United States v. Clayton.

Evidence as to each offense We will discuss later the evidence.

The padlock was sturdy.

This white four-door sedan run a stop sign.

Austin Bank – Troup, Texas The robbers fled this bank robbery in a stolen Chevrolet Blazer , which displayed damage to the steering column.

This stolen Chevrolet Blazer, was found running.

The trooper noticed both men had large rolls of cash on them.

.both gave vague explanations about heading to Houston to see family.

The Dodge was returned to the rental company.

.there was no proof that those specific tires left the prints.

Thomas, Hodges have identical mitochondrial DNA.

Thomas argued that he could not have provided the hair in question ; therefore, he alleged , this evidence properly implicated only Hodges.

Separately, in its discussion of this robbery during closing arguments , the government reminded the jury that Hodges is missing a finger on his left hand ,.compare for yourself .

Bank of America – Lufkin, Texas In this robbery, there was evidence that at least three vehicles were broken into and had their steering columns damaged.

At a used car lot four to five miles from the bank, someone cut the chain to the lot.

This pickup truck was stolen.

It was then abandoned.

A van was used by the fleeing robbers.

The fact that the probabilities implicating Thomas are less overwhelming than those implicating Hodges – e.g.

one out of several hundred or one thousand, rather than one in one sextillion – does not mean they are statistically insignificant or somehow unreliable.

We now consider whether the government presented sufficient evidence to sustain Thomas's convictions relating to the second third fourth robberies.

At that time, corroborated by moral coincidences.

The jury may reasonably infer from the pattern itself that evidence otherwise susceptible of innocent interpretation is plausibly explained only as part of the pattern.

For each robbery, the government introduced into evidence security photos , videos ,.

This evidence may have permitted the jury to identify a bank robber.

This bank robber was missing a finger.

(W) hile you should consider only the evidence, you are permitted to draw such reasonable inferences from the testimony.

You reach conclusions which reason, common sense , lead you to make.

Whether the evidence is direct or circumstantial.

Direct evidence is the testimony of one.

The circumstantial evidence must be viewed in light of the pattern evidence.

His co-conspirator, Hodges , is the probability that the DNA sample from that robbery came from an African-American other Hodges other was 1 in 6.579 sextillion.

That Hodges had the same partner in the first, second third fifth bank robberies.

Neither claimed then they had been improperly joined but rather that they would be unduly prejudiced.

Hodges re-urged his motion after Thomas's closing argument, seeking a mistrial.

Suppose a joint trial would prejudice a defendant.

Then still district courts may sever the defendants's trials.

United States v. Mitchell.

.such prejudice must be of a type against which unable.

The trial court was which unable to afford protection.

A defendant is entitled to a reversal on this issue.he demonstrates that these events caused him substantial prejudice.

United States v. Lewis.

That the Supreme Court has approved as usually sufficient to cure this character of prejudice : (1) that the jury must consider the evidence separately, independently , for each defendant , each charge.

; (2) that the government's burden was to prove each defendant's guilt beyond a reasonable doubt ; (3) that no inferences must be drawn from a defendant's exercise of the right to silence.

Thomas argues but the jury might have attributed greater knowledge to him of his brother actions than in fact was the case, simply .

That the evidence against him was weaker than the evidence against Hodges, ‘.

So, was the case, simply.

United States v. Partin.

His likelihood of acquittal is not as great in a joint trial as in a separate trial.

Thomas 's attorney sought to convince jurors of the weakness of the evidence against his client by highlighting the more substantial evidence against Hodges: Now, the other thing that 's significant about this, what type of hair was it that was tested that (the government) claimed came back to Paul Thomas?

This defendant fails to preserve the issue for appeal.

United States v. Soto.

There are other reasons.

United States v. Crawford.

But the government instead argued that Thomas, Hodges, had not met their burden to require an evidentiary hearing or suppression of the evidence or.

In a previous decision, though, we wrote that, we ' would be prudent ' to review this conclusion.

The false information was redacted.

United States v. Cavazos.

.police had long suspected their involvement in the robberies based on several suspicious encounters with the half-brothers.

Specifically, he acknowledges but his 151-month sentence for conspiracy, bank, robbery convictions takes issue with his 1,284-month sentence for the weapons convictions.

That his 151-month sentence for conspiracy, bank, robbery convictions was ' fair, '.

That this ' life sentence without the possibility of parole or early release ' is unduly harsh to recent bank robbery cases in this circuit.

The Eighth Amendment ' has been read to preclude a sentence, .

This sentence is greatly disproportionate to the offense.

So, been read to preclude this sentence.

. ' successful Eighth Amendment challenges to prison-term lengths will be rare.

This court first makes a threshold comparison of the gravity of the offense against the severity of the sentence.

At that time, assessing whether a sentence is unconstitutionally disproportionate.

See, the defendant's ' sentence is a long one.

This rational legislative judgment that offenders must be incapacitated is entitled to deference.

This juror knew him before trial.

Hodges did not raise this issue with the district court until shortly.

So, when this juror fails to answer this material question accurately.

Juror bias may also be implied in ' extreme circumstances, ' as in ' when the juror is employed by the prosecuting agency, or is a close relative of a participant in the trial, or is somehow involved in the transaction or .