

Monday, November 3, 2008

Same court; two actors; two different appeal bond results.

Photo from website of U.S. District Court (W.D. Mi.). Wesley Snipes and Paul Little (a.k.a. Max Hardcore) both are actors -- very different actors, at that -- with pending federal criminal appeals from the Middle District of Florida. Their similarities end there both with the types of convictions involved (Snipes for a tax conviction and Hardcore for an obscenity conviction), the lengths of their sentences (Snipes possibly for a shorter period than the time to argue and decide his appeal, and Hardcore for nearly four years), and their abilities to make movies pending appeal (Snipes yes; Hardcore, no, because his appeal bond motion was denied). Curiously, Wesley Snipes's judge granted him an appeal bond after determining that his appellate issues are not particularly strong, but are not frivolous. Conversely, in denying an appeal bond to Max Hardcore, his trial judge wrote: "The Court does not find it likely that this Circuit will afford Defendant relief based on the Court's ruling here, as it is this Circuit's precedent that necessitated it. In addition, even if the appeals Court were to grant relief on this ground, it would only affect Counts V, the sentence for which runs concurrent to the sentence imposed for Counts VI-X. Therefore, Defendant will be unable to obtain the relief listed in § 3143 required for a stay of his sentence on this matter." Here are relevant documents concerning the appeal bond litigation in the cases of Snipes and Hardcore: - Max Hardcore: Order denying appeal bond. Amended appeal bond motion. Wesley Snipes: Order granting appeal bond. Appeal bond motion (a good motion for all practitioners' reference). Prosecution's opposition to an appeal bond. Snipes's reply to the prosecution's opposition to an appeal bond. Also, see my previous blogpostings on Max Hardcore's case, and Ellen Podgor's recent listing of some white collar criminal appellants who have and have not been granted appeal bonds. Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00