

United States v. Hawthorne

United States Court of Appeals for the Eleventh Circuit

November 28, 2018, Decided

No. 16-15933

Reporter

2018 U.S. App. LEXIS 33365 *; ___ Fed. Appx. ___; 2018 WL 6259618

UNITED STATES OF AMERICA, Plaintiff-Appellee, versus JOHNATHAN HAWTHORNE, a.k.a. Jonathan Waldon Hawthorne, a.k.a. Moose, Defendant-Appellant.

Notice: PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Prior History: [*1] Appeal from the United States District Court for the Southern District of Florida. D.C. Docket No. 1:15-cr-20611-UU-1.

Case Summary

Overview

HOLDINGS: [1]-The district court properly denied defendant's motions for a continuance to obtain an analysis of the DNA that was swabbed from the pistol he was charged with possessing because he had 306 days to have the DNA swab analyzed, he played a role in shortening his effective trial preparation time, it was not a complex case, the government turned over to defendant the report that said DNA swabs of the pistol had been taken, and defendant offered nothing more than speculation that the DNA test result would have been beneficial to him; [2]-The district court did not err in precluding defendant from calling an expert witness because he failed to provide an adequate summary of the proposed testimony under Fed. R. Crim. P. 16(b); [3]-Defendant was properly sentenced under the ACCA because his prior conviction under Fla. Stat. § 843.01 constituted a crime of violence.

Outcome

Judgment affirmed.

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