

**THE HONORABLE ELIZABETH A. KOVACHEVICH  
THIRTY-THIRD 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,  
in cooperation with  
The Criminal Justice Section of the American Bar Association

**Wednesday - Friday  
August 7-9, 2024**

**Drury Plaza Hotel Orlando Lake Buena Vista  
Orlando, Florida**

**WEDNESDAY  
AUGUST 7, 2024**

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.**  
*First Assistant Federal Defender  
Middle District of Florida*

**THANK YOU TO OUR SPONSORS!**



**LAURO & SINGER**  
FLORIDA ♦ NEW YORK

**SHUMAKER**



**ZUCKERMAN  
SPAEDER**

**KYNES MARKMAN & FELMAN**  
ATTORNEYS AT LAW

**THURSDAY  
AUGUST 8, 2024**

7:30-8:15 a.m.

**REGISTRATION**

8:30 a.m.

**WELCOMING REMARKS**

8:45-10:00 a.m.

**UPDATE ON FEDERAL SENTENCING LAW AND POLICY PLENARY SESSION**

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.

- **TBD**
- **Mary Price, Esq.**  
*General Counsel, FAMM  
Washington, DC*
- **Jonathan Wroblewski, Esq.**  
*United States Department of Justice  
Ex Officio Commissioner  
United States Sentencing Commission  
Washington, DC*

Moderator:

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

10:00-10:15 a.m.

**COFFEE BREAK**

10:15-11:30 a.m.

**MENTAL DISABILITIES AT SENTENCING**

This presentation will address statistics on defendants with diagnosed mental disabilities and mitigating factors. The presentation will also discuss ways the defense and probation office can work together to assist with appropriate recommendations at sentencing.

- **Elizabeth Kelley, Esq.**  
*Attorney at Law  
New York, NY*

11:30-1:00 p.m.

**LUNCH ON YOUR OWN**

**THURSDAY (CONT.)**  
**AUGUST 8, 2024**

1:00-2:00 p.m.

**CONCURRENT SESSIONS**

**FIREARMS OFFENSES**

Panelists will focus on guideline application issues related to firearms offenses along with a discussion of also the constitutional environment of firearms law as it applies to firearm sentencing and prosecution.

- **Cal Albritton, Esq.**  
*Assistant United States Attorney  
Middle District of Florida*
- **Kaleena Roy**  
*United States Probation Officer  
Middle District of Florida*
- **Tina Woehr, Esq.**  
*National Sentencing Resource Counsel  
Federal Public and Community Defenders  
Phoenix, AZ*

**ECONOMIC CRIMES**

This panel will address the Sentencing Guidelines and their implications, as well as practical considerations for loss calculation, 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.

- **Gregory Kehoe, Esq.**  
*Greenberg Traurig  
Tampa, FL*
- **Robert O'Neill, Esq.**  
*Former United States Attorney  
Middle District of Florida  
O'Neill Law Group, LLC  
Apollo Beach, FL*
- **Theresa Van Vliet, Esq.**  
*Venable, LLP  
Fort Lauderdale, FL*

Moderator:

- **Jordan Behlman, Esq.**  
*Greenberg Traurig  
Tampa, FL*

## THURSDAY (CONT.) AUGUST 8, 2024

2:10-3:10 p.m.

### CONCURRENT SESSIONS

#### DRUG OFFENSES

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.

- **A.J. Kramer, Esq.**  
*Federal Defender*  
*District of Columbia*
- **Additional Speakers TBD**

#### ETHICAL ISSUES AT SENTENCING

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.

- **David Axelrod, Esq.**  
*Shumaker*  
*Columbus, OH*
  - **A. Lee Bentley, III, Esq.**  
*Bradley*  
*Tampa, FL*
  - **Marissel Descalzo, Esq.**  
*Tache Bronis*  
*Miami, FL*
  - **Carlton Gammons, Esq.**  
*Assistant United States Attorney*  
*Middle District of Florida*
  - **John Lauro, Esq.**  
*Lauro & Singer*  
*New York, NY*
  - **Professor Ellen Podgor**  
*Stetson University College of Law*  
*Gulfport, FL*
- Moderator:
- **Kevin J. Napper, Esq.**  
*Kevin J. Napper, P.A.*  
*Tampa, FL*

3:10-3:25 p.m.

### COFFEE BREAK

## THURSDAY (CONT.) AUGUST 8, 2024

3:25-4:25 p.m.

### CONCURRENT SESSIONS

#### CRIMINAL HISTORY

The panelists will discuss the role of criminal history in determining sentences. 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

- **Additional Speakers TBD**

Moderator:

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

#### HOW THE PSI CAN LEAD TO BETTER SUPERVISION AND TREATMENT OUTCOMES FOR DEFENDANTS AND REDUCE RECIDIVISM

This presentation will cover the presentence process, mandatory and district rules that probation officers are bound to follow, opportunities where defense counsel can assist probation and their client for a better, more balanced report, and great things that defense counsel can do which is valuable to probation.

- **Shannon Bohlken**  
*Retired Supervisory United States Probation Officer*  
*District of New Mexico*
- **Jessee Shifflett**  
*Supervisory United States Probation Officer*  
*Middle District of Florida*

4:35-5:35 p.m.

### CONCURRENT SESSIONS

#### ARE YOU ASKING THE RIGHT QUESTIONS?

As officers move towards incorporating evidence-based practices into all facets of probation work, we should not forget to revisit our interviewing practices. This session will focus on how the Middle District of North Carolina has continued to enhance our presentence investigation and interviewing practices by continuously reviewing our interview processes and recidivism research and sharing our practices with other districts.

- **Odessa Baker**  
*Supervisory United States Probation Officer*  
*Middle District of North Carolina*
- **Shannon Gerard**  
*United States Probation Officer*  
*Middle District of North Carolina*
- **Kristin McKoy**  
*United States Probation Officer*  
*Middle District of North Carolina*
- **Jennifer Wright**  
*Supervisory United States Probation Officer*  
*Southern District of Ohio*

#### DEPARTURES AND VARIANCES

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

- **Rebecca Brodey, Esq.**  
*Bourelly George & Brodey, PLLC*  
*Washington, DC*
- **Emily Gurskis, Esq.**  
*Assistant Chief of Trials*  
*Criminal Division Fraud Section*  
*United States Department of Justice*

Moderator:

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

**FRIDAY  
AUGUST 9, 2024**

8:30-9:45 a.m.

**A VIEW FROM THE BENCH PLENARY SESSION**

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 Charlene Honeywell**  
*United States District Court  
Middle District of Florida*
- **The Honorable Mark Norris**  
*United States District Court  
Western District of Tennessee*
- **The Honorable Jay Zainey**  
*United States District Court  
Eastern District of Louisiana*

Moderator:

- **Morris “Sandy” Weinberg, Jr., Esq.**  
*Zuckerman Spaeder, LLP  
Tampa, FL*

10:45-11:00 a.m.

**COFFEE BREAK**

9:45-10:45 a.m.

**CONCURRENT SESSIONS**

**ALTERNATIVES TO INCARCERATION**

This panel will discuss alternatives to incarceration sentences, including pretrial diversion and probation. Panelists will discuss how defense counsel can make the case for incarceration alternatives and in which cases the government might consider incarceration alternatives.

- **Alec Hall, Esq.**  
*Federal Defender  
Middle District of Florida*
- **JaneAnne Murray, Esq.**  
*Associate Clinical Professor of Law  
University of Minnesota Law School  
Minneapolis, MN*
- **The Honorable Mary Scriven**  
*United States District Court  
Middle District of Florida*

Moderator:

- **Diego Pestana, Esq.**  
*Suarez Law Firm  
Tampa, FL*

**PRESENTENCING CONSIDERATIONS**

A diverse group of panelists will speak on pre-sentencing considerations from initial detention hearings, conditions of release, bond violations, pre-sentence reports, and preparing for sentencing. The panelists will include former DOJ prosecutors, assistant federal public defenders, and a current magistrate judge.

- **The Honorable Natalie Adams**  
*United States District Court  
Middle District of Florida*
- **Sara Mieczkowski, Esq.**  
*Morgan & Morgan, PA  
Tampa, FL*
- **Patrick Queenan**  
*Sheehan Phinney Bass & Green PA  
Manchester, NH*

Moderator:

- **Jason Mehta, Esq.**  
*Foley & Lardner, LLP  
Tampa, FL*

**FRIDAY  
AUGUST 9, 2024**

11:00 a.m.-12:15 p.m.

**BUREAU OF PRISONS ISSUES PLENARY**

This presentation will focus on the challenges facing the Bureau of Prisons in caring for prisoners and how attorneys can use that information to help as a means of mitigation during sentencing. The presentation will hit on the topics of inmate isolation, advocacy for inmates, First Step Act implementation, Lesson from CARES Act success, and BOP oversight by Congress .

- **Hugh Hurwitz**  
*Former Director  
Federal Bureau of Prisons*
- **Walt Pavlo**  
*Prisonology, LLC  
North Palm Beach, FL*

**For additional information visit [www.federalbartampa.org](http://www.federalbartampa.org)**

**CLE Information**

Florida

Course No. 2405770N

Approved for 15.5 General

1.5 Mental Health and 1.0 Ethics

15.5 Criminal Appellate & Trial Law