



United States v. Johnson

871 F.2d 1089 (1989) | Cited 0 times | Sixth Circuit | March 23, 1989

Order

BEFORE; ENGEL, Chief Judge; and MERRITT and KENNEDY, Circuit Judges.

The defendants appeal from the district court's judgments and sentences in these criminal cases. 18 U.S.C. § 3742(a)(1). These appeals have been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon consideration, the panel unanimously agrees that oral argument is not necessary. Fed. R. App. P. 34(a).

In Case No. 88-2012, defendant Johnson pled guilty to conspiracy to distribute cocaine. 21 U.S.C. § 846. He received a sentence of 174 months imprisonment. In Case No. 88-2020, defendant Henderson went to trial and was found guilty of conspiracy to distribute cocaine, 21 U.S.C. § 846, and engaging in a continuing criminal enterprise. 21 U.S.C. § 848. He received a sentence of 365 months on each count, with the sentences to run concurrently. In Case No. 88-2057, defendant Grace pled guilty to conspiracy to distribute cocaine. 21 U.S.C. § 846. He received a sentence of 188 months imprisonment.

In their briefs, the defendants argue that the Sentencing Reform Act of 1984, 28 U.S.C. § 991 et seq., is unconstitutional. The Supreme Court has now decided the case of *Mistretta v. United States*, 109 S. Ct. 647 (1989). In that case, the Court held that the Sentencing Reform Act is constitutional. Therefore, the arguments of the defendants are without merit.

The judgments and sentences of the district court are affirmed under Rule 9(b)(5), Rules of the Sixth Circuit, because the issues are not substantial and do not require oral argument.

