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APPEAL VICTORY LEADS TO REDUCED SENTENCE

Thomas C. Wooldridge, won a recent victory in the Eleventh Circuit Court of Appeals, ultimately reducing his client's sentence by two years. P. A., was charged with identity theft and check fraud. Pitted to be the ring leader of a check cashing scheme, he plead guilty to aggravated identity theft and was sentenced for 61 months by Judge Timothy Batten, Sr.

After learning about a pending Supreme Court Case concerning the aggravated identity theft statute, Thomas C. Wooldridge appealed the sentence. On May 4, 2009 the Supreme Court handed down its decision in *Flores-Figueroa v. U.S.*, 129 S.Ct. 1886 (2009), settling a dispute between circuits regarding the current status of the 18 U.S.C. § 1028A(a)(1), the aggravated identity theft statute, P. A. plead guilty to.

18 U.S.C. § 1028A(a)(1) imposes a mandatory consecutive 2 year prison term on an individual convicted if the offender "knowing... uses, without lawful authority, a means of identification of another." The Circuit Courts were split on whether or not the statute required the defendant to know that the identity in question belonged to another individual. The Supreme Court in *Flores-Figueroa* eliminated the split and held that § 1028A(a)(1) requires the government to show that the defendant *knew* that the means of identification at issue belonged to another individual. Previously the Eleventh Circuit had no such requirement. Based on this change in law, P. A.'s case was remanded to the District Court for re-sentencing where the 2 year enhancement was dropped, reducing his sentence.

Thomas Wooldridge from Wooldridge & Jezek, LLP was able to win the reduced sentence because of his determination to stay on top of the law. At Wooldridge & Jezek, our attorneys always strive to be abreast of any changes or potential changes in the law, providing our clients with the best representation available. This reduction in sentence was considered a victory for both P. A. and his family.

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If you would like more information about this topic, or to schedule an interview with Thomas C. Wooldridge please call him at 404.304.4545, or email at wooldridge@wjlawoffice.com