PRESS RELEASES

Meuti, Maliza, and Boninger File Petition for Writ of Certiorari in Supreme Court

MARCH 6, 2023

Benesch attorneys Michael Meuti, Johanes Maliza, and Nathan Boninger filed a petition for a writ of certiorari in the Supreme Court of the United States on February 27, 2023 in Roger E. Pace v. United States.

Background

In the 1980s and 1990s, Congress passed laws requiring mandatory-minimum sentences for many federal offenses, including nonviolent drug offenses. Since then, the injustice of those sentences has become apparent. In 2018, Congress passed the First Step Act, bipartisan legislation that provided relief to some mandatory-minimum sentences for nonviolent offenders. One of the Act's provisions-commonly called the "safety-valve provision"-allows district judges to bypass an otherwise-applicable mandatory-minimum sentence if the defendant "does not have" three different qualifiers, listed in the conjunctive. Courts have disagreed about how to read that statute. If an offender has one or two (but not all three) of the three qualifiers, must the district court still impose a mandatory-minimum sentence?

Benesch's client pleaded guilty to a nonviolent drug offense that subjected him to a five-year mandatory-minimum sentence. He argued that he qualified for the safety-valve provision because he did not have one of the three qualifiers. The district judge concluded that because our client did have at least one of the qualifiers, the mandatory-minimum sentence applied. Our client appealed to the Seventh Circuit, which affirmed. Benesch is seeking to have the U.S. Supreme Court take the case and hold that the statute's plain language requires that our client benefit from the safety-valve provision. In this case, Benesch is collaborating with the Federal Defender for the Central District of Illinois.

Significance

If successful, the case would significantly change the nature of federal sentencing. It would potentially affect thousands of defendants per year, as Black Americans are disproportionately prosecuted for nonviolent offenses in federal court. The work, done pro bono, is part of Benesch's commitment to improving racial equity in our courts and society.

Benesch's Appellate Litigation Team buttresses the firm's strong litigation practice and extensive subject-matter expertise. The team protects our litigators' hard-fought victories and helps our clients correct bad decisions by trial courts, often taking over for other firms. In pro bono cases, the team protects the rights of defendants and looks for cases to help combat systemic injustices.

Michael Meuti, a former Sixth Circuit law clerk and Ohio Deputy Solicitor, leads the firm's Appellate Litigation Team and draws on his extensive experience to home in on the issues that persuade judges. Johanes Maliza has deep experience in both District Courts and the U.S. Courts of Appeals and is a member of the federal bar in all federal courts of Ohio and Illinois. Nathan Boninger has experience with all phases of litigation and is a former clerk of the United States District Court for the Northern District of Ohio.