No. 20-5904

IN THE

Supreme Court of the United States

TARAHRICK TERRY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit

BRIEF OF RETIRED FEDERAL JUDGES, FORMER FEDERAL PROSECUTORS, AND THE NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS AS *AMICI CURIAE* IN SUPPORT OF PETITIONER

DAVID OSCAR MARKUS
CO-CHAIR, AMICUS COMMITTEE, NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
40 NW 3rd Street, PH1
Miami, FL 33128

BENJAMIN HAYES
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036

GERARD J. CEDRONE
Counsel of Record
DAVID J. ZIMMER
DANIEL M. ISAACS
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
gcedrone@goodwinlaw.com
(617) 570-1849

February 19, 2021

Counsel for Amici Curiae

QUESTION PRESENTED

Whether the term "covered offense" in the First Step Act of 2018, Pub. L. No. 115-391, 132 Stat. 5194, 5222, includes violations of 21 U.S.C. § 841(a) involving crack cocaine to which the penalties in § 841(b)(1)(C) apply.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page

Cases:

Statutes:

Rules and Guidelines:

Court Filings:

Other Authorities:

INTEREST OF *AMICI CURIAE*

Amici curiae are 4 retired federal judges, 29 former federal prosecutors, and the National Association of Criminal Defense Lawyers (NACDL).[1]

NACDL is a nonprofit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. Founded in 1958, NACDL has a nationwide membership of many thousands of members, including private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges. NACDL is the only nationwide professional bar association for public defenders and private criminal defense lawyers. NACDL files numerous *amicus* briefs each year seeking to provide *amicus* assistance in cases that present issues of broad importance to criminal defendants, criminal defense lawyers, and the criminal justice system as a whole.

Joining NACDL in filing this brief are 4 retired federal judges and 29 former federal prosecutors, whose names and history of federal service are set forth in the attached appendix. These individuals have decades of experience with the federal sentencing process generally and sentencing under 21 U.S.C. § 841(b) specifically—including, in the case of the retired judges, experience imposing sentences under

---

[1] All parties have consented to the filing of this brief. This brief was not authored in whole or in part by counsel for any party, and no person or entity other than *amici* or their counsel made a monetary contribution intended to fund the preparation or submission of this brief.

that statute. Given their years of public service, including in the federal criminal justice system, these individuals maintain an active interest in the fair administration and public legitimacy of the criminal justice system, and believe that lessons drawn from their time presiding over or participating in hundreds of federal sentencings will assist the Court in its consideration of the question presented.

Amici submit this brief to emphasize that, in addition to being textually correct, petitioner's interpretation of § 841(b) is the only one that accords with the way in which judges actually carry out sentencing under the statute. Section 841 contains three tiers of penalties, set forth in subsections (b)(1)(A)(iii), (b)(1)(B)(iii), and (b)(1)(C). Each subsection is triggered by a specific drug-quantity range. In sentencing a defendant under the statute, a judge will typically ensure that an offense's relative position within the applicable drug-quantity range is proportional to the resulting sentence's relative position within the applicable sentence range. In other words, holding other factors constant, a judge will impose the longest available sentence for an offense involving the greatest drug quantity in the applicable tier and vice versa. Thus, when Congress *increased* the drug quantities associated with each tier, it effectively *lowered* the sentences that defendants were likely to receive for any given quantity of drugs—including for defendants convicted under subsection (b)(1)(C). As *amici* can attest—and as case law, academic literature, and real-world examples demonstrate—the government's interpretation fails to account for this basic fact of sentencing.

INTRODUCTION AND SUMMARY OF ARGUMENT

For nearly a quarter century, federal law punished the possession of crack cocaine far more severely than the possession of powder cocaine, exposing defendants who possessed *one* gram of crack to the same lengthy sentences as those who possessed *one hundred* grams of powder. Pub. L. 99-570, § 1002, 100 Stat. 3207, 3207-2 (1986) (codified at 21 U.S.C. § 841(b)). This draconian regime flooded federal prisons with individuals convicted of nonviolent offenses—and was particularly and disproportionately damaging to the Black community.

Congress has recently sought to remedy these injustices. In the Fair Sentencing Act of 2010, Pub. L. 111-220, § 2, 124 Stat. 2372, Congress reduced the crack/powder sentencing disparity from 100-to-1 to 18-to-1. And in the First Step Act of 2018, Pub. L. 115-391, § 404, 132 Stat. 5194, 5222, Congress allowed courts to resentence defendants convicted under the old regime. It is clear that the First Step Act allows individuals who committed the *most serious* offenses under the old law—*i.e.*, individuals sentenced under § 841(b)(1)(A)(iii) and (B)(iii)—to seek resentencing. The question is whether the Act also applies to defendants who committed the *lowest-level* violations under the old law—*i.e.*, those sentenced under § 841(b)(1)(C).

The statutory text provides a clear answer: Defendants sentenced under § 841(b)(1)(C) are entitled to resentencing. The First Step Act affords relief to any defendant convicted of a "covered offense"—meaning "a violation of a Federal criminal statute, the statutory penalties for which were modified by

section 2 or 3 of the Fair Sentencing Act of 2010." § 404(a), 132 Stat. at 5222. The application of that language to individuals sentenced under § 841(b)(1)(C) is straightforward. Take petitioner's case. Did Mr. Terry commit "a violation of a Federal criminal statute"? Yes: He was convicted of violating § 841(a)(1). *See* Pet. Br. 18. And were "the statutory penalties" attached to that provision "modified by section 2 or 3 of the Fair Sentencing Act"? Yes again: The Act changed the ranges of crack cocaine quantities that trigger each of the three tiers of sentences in § 841(b). *See id.* Thus, Mr. Terry's § 841(b)(1)(C) sentence is eligible for resentencing.

At the government's urging, several courts of appeals have reached the opposite conclusion, but their analysis rests on a cramped reading of the statute. Those courts generally observe that any defendant who was sentenced under the old version of § 841(b)(1)(C) would still fall within the same subparagraph if resentenced today. As petitioner has explained, however, that line of reasoning ignores the text and structure of § 841 and conflicts with the language of the First Step Act. *See* Pet. Br. 18–25. And it ultimately proves too much: Many defendants who were previously sentenced under subparagraphs (A)(iii) and (B)(iii) likewise fall within the same subparagraphs even after the First Step Act—yet no one doubts that *those* defendants are eligible for resentencing because the penalties for their offenses have been "modified." *See* Br. in Opp. 11.

Amici submit this brief to emphasize an additional point: The way in which judges actually carry out sentencing under § 841(b) underscores the strength of petitioner's argument—and the weakness of the gov-

ernment's. The premise of the government's argument is that a defendant sentenced under § 841(b)(1)(C) faces the same exposure both before and after the Fair Sentencing Act. *See* Br. in Opp. 12 (suggesting that Mr. Terry would receive a "windfall" if resentenced). But the government's argument misses the key point. Although defendants sentenced under the old version of § 841(b)(1)(C) remain *eligible* for their original sentences after the Fair Sentencing Act, that does not mean they actually would have received the same sentences under the current regime. To the contrary, the sentences they would have received under the Fair Sentencing Act almost certainly would have been lower—likely significantly lower.

That is because, all else equal, a sentencing judge generally aims to align the various drug-quantity ranges in § 841(b) with the corresponding sentence ranges—assigning lower sentences for lower quantities and higher sentences for higher quantities. And Congress has dramatically expanded the drug quantities to which § 841(b)(1)(C) applies. A case involving 3.9 grams of crack cocaine was one of the more serious cases under the old version of § 841(b)(1)(C), which covered offenses involving 0 to 5 grams and provided a sentence range of 0 to 20 years. But it is one of the more minor cases under the amended provision, which covers offenses involving 0 to *28* grams—and *still* provides a sentence range of 0 to 20 years. The change in where a particular drug quantity falls within § 841(b)(1)(C)'s drug-quantity range, coupled with the fact that the provision's sentence range did *not* change, makes a real difference to the sentences defendants actually receive.

In short, under the revised statute, a judge is likely to sentence defendants—including defendants to which subsection (b)(1)(C) applies—differently than before. *Amici* understand this fact from their time as prosecutors, defense counsel, and sentencing judges. And the point is borne out by more than just their experience: It is reflected in this Court's Sentencing Guidelines case law and academic literature on the "anchoring effect"—not to mention actual resentencing proceedings that have taken place in the courts that follow petitioner's rule. This practical reality only underscores the merits of petitioner's argument that defendants in his position are entitled to resentencing. The Court should reverse the judgment below.

ARGUMENT

A. Holding other factors constant, a rational sentencing judge aims to align the drug-quantity ranges in each of § 841(b)'s tiers with each tier's range of sentences.

Together, *amici* and their members have extensive experience participating in the sentencing process from every angle—as prosecuting attorneys, defense counsel, and sentencing judges. Based on that firsthand experience, *amici* understand the crucial role that the statutory drug-quantity ranges play in sentencing defendants under § 841(b). When a *drug quantity range* is associated with a particular *sentence range*, a rational judge will typically align the two. In other words, assuming all other factors are equal (*e.g.*, a defendant's criminal history or the circumstances surrounding the offense), a violation involving a drug quantity at the high end of the statutory range will typically yield a term of imprison-

ment at the high end of the statutory range—and vice versa.

To understand the point in a more concrete way, consider the specific ranges in § 841(b). The following table shows the three tiers of penalties set forth in the pre–Fair Sentencing Act version of the statute:

§ 841(b)(1)—Pre-2010

Subparagraph	*Quantity Range*[2]	*Sentence Range*[3]
(C)	0–4.99 g	0–20 years
(B)(iii)	5–49.99 g	5–40 years
(A)(iii)	50 g or more	10 years–life

Faced with two otherwise-identical defendants, one of whom dispensed 6 grams of crack cocaine and another who dispensed 49 grams, a thoughtful sentencing judge would typically impose a sentence closer to 5 years with respect to the former and 40 years with respect to the latter. It is not difficult to understand why: Assuming no differences between the two offenses *other* than the quantity of drug involved, it would make little sense to hand down the same term of imprisonment for both defendants—especially if that term would place the individual whose offense involved the lower drug quantity at the higher end of

[2] Defendants whose offenses involve an unspecified quantity of crack cocaine are sentenced under subparagraph (C). *See United States* v. *Woodson*, 962 F.3d 812, 815 (4th Cir. 2020).

[3] The numbers in this column reflect base ranges before certain enhancements—*e.g.*, enhancements for offenses involving death or serious bodily injury or enhancements reflecting the defendant's criminal history. *See* § 841(b)(1)(A)(iii), (B)(iii), (C).

the sentencing range. *See* United States Sentencing Commission, Guidelines Manual § 2D1.1(c) (2018) (building this principle into the Guidelines by tying the "base offense level" to the drug quantity involved in the offense).

For this reason, it makes a difference when Congress *changes* the drug-quantity range attached to a particular sentence range. Again, consider the specific ranges in § 841(b). The following table shows the changes that Congress made to the drug-quantity ranges in that provision:

§ 841(b)(1)—Pre-2010 vs. Post-2010

Subpar.	*Old Quantity Range*	*New Quantity Range*	*Sentence Range*
(C)	0–4.99 g	0–27.99 g	0–20 years
(B)(iii)	5–49.99 g	28–279.99 g	5–40 years
(A)(iii)	50 g or more	280 g or more	10 years–life

It is hard to overstate the shift. For example, the hypothetical defendants discussed above—who dispensed 6 and 49 grams of crack cocaine—were at either extreme of the old version of subparagraph (B)(iii). But the defendant who dispensed 6 grams will now be sentenced under subparagraph (C). And the defendant who dispensed 49 grams, who will still be sentenced under subparagraph (B)(iii), is now at the *low* end of the quantity range specified in that provision. Under the new regime, it makes little sense for that defendant to receive a sentence close to the 40-year maximum; such a sentence would place him among defendants whose offenses involved as much as *280* grams of crack cocaine.

The shift is no less dramatic for defendants, like Mr. Terry, convicted under § 841(b)(1)(C). Under the old statute, the 3.9 grams of crack cocaine involved in his offense was 78% of subparagraph (C)'s 5-gram maximum. Now, it is just 13.9% of the 28-gram statutory maximum for that same subparagraph. Indeed, *any* defendant sentenced under the pre-2010 version of § 841(b)(1)(C) will find his offense in the bottom fifth of the new drug-quantity range. A side-by-side comparison of the old and new ranges drives the point home:

The government cannot credibly argue that this change in drug-quantity ranges has no effect on sentences actually handed down under § 841(b)(1)(C). As *amici* can attest from decades of experience with federal criminal sentencing, a thoughtful judge will not sentence an offense involving 5 grams of crack cocaine under the amended statute the way she would have sentenced the same offense under the old statute. *See* Adi Leibovitch, *Relative Judgments*, 45 J. Legal Stud. 281, 287 (2016) ("[J]udges are required to assess not only the absolute gravity of a case but its relative gravity as well."). In short, applying the Fair Sentencing Act to defendants sentenced under § 841(b)(1)(C) does not provide a "windfall" (Br. in Opp. 12)—it takes account of the very real modification that Congress made to that provision's scope.

B. Case law on the Sentencing Guidelines and academic literature on the "anchoring effect" confirm that a change in the applicable drug-quantity range is likely to affect sentencing decisions.

The lesson that *amici* have taken from decades of experience—*i.e.*, that the drug-quantity benchmarks in § 841(b) exert a powerful influence over a judge's sentencing decisions—is also reflected in pertinent case law and academic research.

1. This Court's recent decisions regarding the Sentencing Guidelines are particularly instructive on this point. In *Molina-Martinez* v. *United States*, 136 S. Ct. 1338 (2016), the Court recognized that when a district court "mistakenly [applies] an incorrect, higher Guidelines range," there will be, "[i]n most cases," "a reasonable probability of a different outcome" under the correct Guidelines range. *Id.* at 1346. That is true even "when [the] correct sentencing range overlaps with [the] incorrect range," because the Guidelines establish "the essential framework . . . for sentencing proceedings." *Id.* at 1344–1345. Similarly, in *Rosales-Mireles* v. *United States*, 138 S. Ct. 1897 (2018), the Court held that a plain Guidelines error that affects the defendant's substantial rights will ordinarily warrant the application of Rule 52(b) because such an error "affects the fairness, integrity or public reputation of judicial proceedings." *Id.* at 1906–1907. Again, that was so even when the defendant's "sentence falls within the corrected Guidelines range." *Id.* at 1910. As both *Molina-Martinez* and *Rosales-Mireles* recognize, the Guidelines' benchmarks play such an important role in anchoring a judge's sentencing decision that even

though a judge *could* have reached the same sentencing decision under the corrected Guidelines range, there is no reason to expect that she *would* have.

The same principle applies here. Just as the Guidelines provide "the essential framework" within which a judge selects a sentence, so too the drug-quantity ranges in § 841(b) provide "the essential framework" within which a judge gauges the relative severity of a particular offense and selects the appropriate sentence. A change in the drug-quantity range alters the framework—leading to a likely change in the ultimate sentence *even if* the defendant remains within the same tier of available penalties.

2. Academic literature on the "anchoring effect" confirms the relevance of a change in the drug-quantity baselines applicable to each tier of § 841(b).

"Anchoring" describes a decisionmaker's tendency to make final conclusions that are tethered to "an initial starting value" that has been given to her. *See* Nancy Gertner, *What Yogi Berra Teaches About Post-Booker Sentencing*, 115 Yale L.J. Pocket Part 137, 138 (2006). More specifically, "[w]hen people are given an initial numerical reference, even one they know is random, they tend . . . to 'anchor' their subsequent judgments—as to someone's age, a house's worth, how many cans of soup to buy, or even what sentence a defendant deserves—to the initial number given." *United States* v. *Ingram*, 721 F.3d 35, 40 (2d Cir. 2013) (Calabresi, J., concurring). In other words, "different starting points yield different estimates, which are biased toward the initial values." Daniel M. Isaacs, *Baseline Framing in Sentencing*, 121 Yale L.J. 426, 439 (2011) (quoting Amos Tversky

& Daniel Kahneman, *Judgment Under Uncertainty: Heuristics and Biases*, 185 Sci. 1124, 1128 (1974)).

This anchoring effect has been widely documented. In one well-known study, for example, Amos Tversky and Daniel Kahneman asked participants to estimate what percentage of U.N. member states are African nations—but only after viewing an arbitrary number. *Id.* at 439–440. Those who were randomly shown the number "10" before answering had a median guess of 25%, while those who were shown the number "65" before answering had a median guess of 45%. *Id.* at 440. The anchoring effect is also manifest in sentencing: The U.S. Sentencing Guidelines "provide[] ready-made anchors" for judges to apply. Gertner, *supra*, at 138. The sentencing baseline, for example, provides an "initial reference point from which all other sentencing inquiries are conducted." Isaacs, *supra*, at 441.

The drug-quantity ranges in § 841(b) have a similar anchoring effect on judges' sentencing decisions. The floor and ceiling of a particular range provide the "initial reference point" by which a judge is likely to gauge the relative severity of the quantity involved. That is, a judge's understanding of whether a particular drug quantity—say, 3.9 grams—is "low" or "high" will depend on whether the starting points given in subparagraph (C) are 0–5 grams or 0–28 grams. As the First Circuit explained in *United States* v. *Smith*, 954 F.3d 446 (2020), "[t]he change in § 841(b)(1)(C)'s upper bound is no small point, even for defendants guilty of distributing less than five grams of crack, because the statutory benchmarks likely have an anchoring effect on a sentencing judge's decision making." *Id.* at 451. Echoing the

point in *United States* v. *Woodson*, 962 F.3d 812 (2020), the Fourth Circuit explained that because "modification of the range of drug weights to which the relevant subsection applies may have an anchoring effect on [a defendant's] sentence," "[a] district court may find [a] shift [in that range] relevant to determining the appropriate sentence for a particular offender." *Id.* at 817.

C. In courts that follow petitioner's approach, actual resentencing proceedings have resulted in lower sentences for individuals sentenced under § 841(b)(1)(C).

If there were any doubt that judges are likely to sentence defendants in Mr. Terry's position differently under the revised version of § 841(b)(1)(C), the Court need only look at actual resentencing proceedings to observe that reality in practice. The courts that have adopted petitioner's approach have already had an opportunity to resentence defendants who were originally sentenced under the old § 841(b)(1)(C). And those defendants routinely receive lower sentences than they did under the previous statute—even though they remain, as the government emphasizes, eligible for their original sentences.

Consider *United States* v. *Aller*, No. 00-cr-977, 2020 WL 5494622 (S.D.N.Y. Sept. 11, 2020). The defendant in that case was originally sentenced to 20 years' imprisonment under § 841(b)(1)(C)—a sentence that was slated to run *consecutively* with a 30-year sentence for two other offenses (for a total of 50 years' imprisonment). *Id.* at *1. After the court held that Mr. Aller was eligible for resentencing, *id.* at *11–14, it reduced his § 841(b)(1)(C) sentence to "time served" and modified that sentence to run *con-*

currently with the 30-year sentence on the other counts. *See* Amended Judgment, *Aller* (Dec. 7, 2020) (Dkt. No. 184). Thus, Mr. Aller effectively saw a *20-year* reduction in his sentence, even though he remained eligible for his old sentence under the Fair Sentencing Act.

The proceedings on remand from the First Circuit's decision in *Smith* are likewise instructive. Mr. Smith had been sentenced to a 17½-year term for distributing less than 2 grams of crack cocaine. *See* 954 F.3d at 446. After the First Circuit held that he was eligible to be resentenced under the First Step Act, Mr. Smith received a new sentence of "time served," reducing his sentence by 4½ years—nearly a quarter of his original sentence. *See* Stipulation, *United States* v. *Smith*, No. 05-cr-259 (D.N.H. Apr. 9, 2020) (Dkt. No. 84); Amended Judgment, *Smith* (Apr. 10, 2020) (Dkt. No. 85).

The defendant's sentence was also reduced on remand from the Fourth Circuit in *Woodson*. Because Mr. Woodson was nearing the end of his sentence, the Fourth Circuit entered an expedited order remanding the case even before issuing its full opinion. *See United States* v. *Woodson*, 799 Fed. Appx. 214 (2020). Two weeks later, the district court resentenced Mr. Woodson to "time served," eliminating the remaining two months of his 151-month sentence. *United States* v. *Woodson*, No. 09-cr-105, 2020 WL 3428851, at *2 (N.D. W. Va. Apr. 16, 2020); *see Rosales-Mireles*, 138 S. Ct. at 1907 (emphasizing that "[a]ny amount of actual jail time is significant" (quotation marks omitted)).

An appendix to petitioner's certiorari-stage reply brief catalogues numerous other examples. *See* Reply

to Br. in Opp., App. Decisions like these, from courts that have actually had to apply the statute, demonstrate that the Fair Sentencing Act amendments have a meaningful effect on the sentences that defendants receive under § 841(b)—including for defendants sentenced under subsection (b)(1)(C). The government's interpretation ignores that critical effect.

CONCLUSION

The judgment of the court of appeals should be reversed.

Respectfully submitted.

DAVID OSCAR MARKUS
CO-CHAIR, AMICUS COMMITTEE, NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
40 NW 3rd Street, PH1
Miami, FL 33128

BENJAMIN HAYES
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036

GERARD J. CEDRONE
Counsel of Record
DAVID J. ZIMMER
DANIEL M. ISAACS
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
gcedrone@goodwinlaw.com
(617) 570-1849

February 19, 2021

Counsel for Amici Curiae

APPENDIX

List of Retired Federal Judges

Mark W. Bennett, Judge, U.S. District Court for the Northern District of Iowa (1994–2019)

Nancy Gertner, Judge, U.S. District Court for the District of Massachusetts (1994–2011)

John Gleeson, Judge, U.S. District Court for the Eastern District of New York (1994–2016); Assistant U.S. Attorney, Eastern District of New York (1985–1994)

D. Lowell Jensen, Judge, U.S. District Court for the Northern District of California (1986–2014); Deputy Attorney General, U.S. Department of Justice (1985–1986); Associate Attorney General, U.S. Department of Justice (1983–1985); Assistant Attorney General, Criminal Division, U.S. Department of Justice (1981–1983)

List of Former Federal Prosecutors

David J. Apfel, Assistant U.S. Attorney, District of Massachusetts (1994–1999)

Jeffrey L. Bornstein, Assistant U.S. Attorney, Criminal Division, Northern District of California (1989–2005), including service as Supervisor, Major Crimes, and Senior Litigation Counsel; Assistant U.S. Attorney, Civil Division, Northern District of California (1984–1987)

Roberto M. Braceras, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section (1995–1999)

David R. Callaway, Assistant U.S. Attorney, Northern District of California (1998–2016); Chief, Criminal Division (2015–2016); Chief, Economic Crimes and Securities Fraud Section (2011–2012); Chief, San Jose Branch (2009–2010); Deputy Chief, San Jose Branch (2006–2009)

Jack Cinquegrana, Assistant U.S. Attorney, District of Massachusetts (1987–1992)

Leo Cunningham, Assistant U.S. Attorney, Northern District of California (1989–1997)

John J. Falvey, Jr., Assistant U.S. Attorney, District of Massachusetts (1994–2000)

Scott H. Frewing, Assistant U.S. Attorney, Northern District of California (2000–2003)

Peter E. Gelhaar, Assistant U.S. Attorney, District of Massachusetts (1986–1991)

Stephen G. Huggard, Assistant U.S. Attorney, District of Massachusetts (1994–2004); Chief, Public Corruption Unit (2000–2004)

Marcia Jensen, Assistant U.S. Attorney, Northern District of California (1987–2003)

William H. Kettlewell, Assistant U.S. Attorney, District of Massachusetts (1984–1989); Chief, Criminal Division (1987–1989); Chief, President's Organized Drug and Crime Task Force for New England (1986–1987)

Jonathan L. Kotlier, Assistant U.S. Attorney, District of Massachusetts (1992–2004); Chief, Economic Crimes Unit (1997–2004); Assistant U.S. Attorney, Eastern District of Pennsylvania (1990–1992)

Joshua S. Levy, Assistant U.S. Attorney, District of Massachusetts (1997–2004)

Frank A. Libby, Jr., Assistant U.S. Attorney, District of Massachusetts (1989–1996)

Diana K. Lloyd, Assistant U.S. Attorney, District of Massachusetts (1997–2001)

Randy Luskey, Assistant U.S. Attorney, Northern District of California (2011–2014)

Martin F. Murphy, Assistant U.S. Attorney, District of Massachusetts (1987–1991); Chief, Major Crimes Division (1989–1991)

Brien T. O'Connor, Assistant U.S. Attorney, District of Massachusetts (1989–1999); Chief, Public Corruption and Special Prosecutions Unit (1996–1999)

Carmen M. Ortiz, United States Attorney, District of Massachusetts (2009–2017); Assistant U.S. Attorney (1997–2009)

Robert L. Peabody, Assistant U.S. Attorney, District of Massachusetts (1997–2004)

Mark W. Pearlstein, Assistant U.S. Attorney, District of Massachusetts (1989–2000); First Assistant U.S. Attorney (1996–2000)

Jack W. Pirozzolo, Assistant U.S. Attorney, District of Massachusetts (2003–2014); First Assistant U.S. Attorney (2009–2014)

Doreen M. Rachal, Assistant U.S. Attorney, District of Massachusetts (2013–2018); Chief, Asset Forfeiture Unit (2016–2018)

James C. Rehnquist, Assistant U.S. Attorney, District of Massachusetts (1994–1998)

Emily R. Schulman, Assistant U.S. Attorney, District of Massachusetts (1994–2005)

David S. Schumacher, Assistant U.S. Attorney, District of Massachusetts (2009–2017); Deputy Chief, Health Care Fraud Unit (2014–2017)

Michael J. Tuteur, Assistant U.S. Attorney, District of Massachusetts (1991–1994)

Sarah E. Walters, Assistant U.S. Attorney, District of Massachusetts (2007–2017); Chief, Economic Crimes Unit (2013–2017)