

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-2975

UNITED STATES OF AMERICA

v.

CHRISTOPHER WILLIAMS,

Appellant.

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(No. 02-cr-00172-07)
District Judge: Hon. Stewart Dalzell

Submitted Under Third Circuit LAR 34.1(a)
October 23, 2007

Before: SLOVITER, CHAGARES, and HARDIMAN, Circuit Judges.

(Filed: October 26, 2007)

OPINION OF THE COURT

CHAGARES, Circuit Judge.

Christopher Williams appeals his sentence, contending that the District Court failed to discharge its statutory obligation to apply reasonably one of the factors

articulated in 18 U.S.C. § 3553(a) in imposing his sentence. Because there is ample record evidence that the District Court considered the § 3553(a) factors and imposed a sentence that reflects a reasonable application of those factors, we will affirm the District Court's decision in all respects.

I.

As we write only for the parties, our summary of the facts is brief. In 1997 Courtney Carter founded the Carter Organization, which became a sprawling, massive drug dealing conspiracy. By February 2002, the Carter Organization operated across Pennsylvania and Delaware. In total, it sold over a metric ton of cocaine and crack, and its members engaged in numerous shootings, one of which resulted in death.

Christopher Williams has been in and out of juvenile detention centers since age twelve. Following his release from the Sleighton Farms center in late 1997, Williams worked for the Carter Organization. He eventually rose to become a senior member as a manager of several of the Organization's most lucrative drug-selling locations.

Williams also participated in a deadly feud with "Zip-World," a rival drug dealing group. This feud eventually led to the death of Grayling Craig, a low-level Zip-World operative. Williams participated in Craig's shooting. Indeed, he bought the guns that killed Craig. Williams was also involved in a number of other shootings between 2000 and 2002, often armed with his personal weapon of choice – a nine-millimeter pistol with an oversized 30-round magazine. The District Court called this "one of the most fearsome weapons that I have ever seen at a trial." Joint Appendix (JA) 48.

On October 24, 2002, a federal grand jury indicted Williams and thirty-six others on a total of 135 counts related to the Carter Organization's activities. The indictment included a wide variety of drug, gun, money laundering, and conspiracy charges. Williams faced four charges: conspiracy to distribute cocaine and crack; use of a telephone in furtherance of a drug trafficking crime; and two counts of possession of a firearm in furtherance of a drug offense. Williams went to trial in January of 2004. During his trial, Williams attempted repeatedly to intimidate witnesses, threatening to kill them and their families, including a grandmother and small children. On January 30, 2004, a jury convicted Williams of all charges but the use of a telephone count.

Williams was first sentenced on April 29, 2004. Williams's crimes carried an offense level of 48 and a criminal history category of V. Since offense level 48 is five levels above the highest level of the Guidelines' Sentencing Table, Williams's Guidelines sentence was not a range, but rather life in prison. Moreover, the convictions for the gun charges subjected Williams to 360 months of mandatory consecutive imprisonment, resulting in a total minimum Guidelines imprisonment range of life plus 360 months.

The District Court sustained Williams's objection to the criminal history calculation, which had the effect of lowering his criminal history from V to IV. Notwithstanding this change, Williams's Guideline "range" remained life imprisonment. The District Court sentenced Williams to life and added the mandatory 360 month consecutive sentence for the two gun convictions.

On May 4, 2004, Williams appealed his sentence. On March 14, 2006, this Court

affirmed the conviction, but remanded the case for re-sentencing in accordance with the mandates of the Supreme Court's decision in United States v. Booker, 543 U.S. 220 (2005). See United States v. Williams, 175 F. App'x 503 (3d Cir. Mar. 14, 2006) (unpublished opinion).

On June 7, 2006, Williams was re-sentenced, and received the same sentence as at his 2004 sentencing. This appeal followed.

II.

We review a sentence imposed by a District Court for reasonableness. United States v. Cooper, 437 F.3d 324, 326 (3d Cir. 2006). This inquiry has two steps, because in the sentencing context, reasonableness has both procedural and substantive components. See, e.g., United States v. Ferguson, 456 F.3d 660, 664 (6th Cir. 2006). First, we must review the record to determine if the District Court exercised its discretion by considering the relevant factors enumerated in § 3553(a). Id. at 329. If, however, the record makes clear that the District Court gave meaningful consideration to the § 3553(a) factors, our analysis must proceed to the substantive aspect of reasonableness: an evaluation of whether the sentence reflects a reasonable application of those factors. Cooper, 437 F.3d at 330.

III.

In this case, Williams concedes that the District Court's sentence was procedurally reasonable. He challenges only the application of one sentencing factor, claiming that the District Court "unreasonably applied the sentencing factor" of specific deterrence.

Williams Br. at 8. According to Williams, a forty-year sentence, the minimum he could receive by statute, would “adequately support[] the needs of specific deterrence.” Id.

As this Court stated in Cooper, “[t]he question is not . . . what sentence we might have decided to impose on the defendant. We are not sentencing judges. Rather, what we must decide is whether the district judge imposed the sentence he or she did for reasons that are logical and consistent with the factors set forth in section 3553(a).” 437 F.3d at 330. Here, the District Court considered, at length, what it called “the tragic question” – what sentence could deter Williams from further crimes. “Given the appalling record this man established before us, to say nothing of the criminal history that started at age 12,” the District Court concluded that “the need to protect society from further crimes of this defendant is at an absolute apex,” and therefore “[t]he only way that society can protect itself is to incapacitate him for the rest of his natural life.” JA 56.

The District Court handed down a sentence that was, under the circumstances, “logical and consistent” with the purpose of § 3553(a)(2)(B), to “protect the public from further crimes of the defendant.” Williams began his criminal career at age twelve, and continued unabated (apart from the time he spent incarcerated) until arrested in the Carter case. He managed the distribution of copious amounts of drugs, he terrorized a neighborhood by engaging in numerous shootings, he participated in murder. After he was arrested, he threatened to kill grandmothers and little children related to those who witnessed his crimes.

The District Court is “in the best position to determine the appropriate sentence in

light of the particular circumstances of the case.” Cooper, 437 F.3d at 330. The District Court concluded that Williams was “a man with no regard for either human life or the criminal justice system,” “a remorseless incorrigible killer.” JA 56. We find nothing in the record to dispute that judgment.

IV.

For the foregoing reasons, we affirm the decision of the District Court in all respects.
