

7-16-1970

US v Martin

Westlaw

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428 F.2d 1140

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428 F.2d 1140

United States Court of Appeals, Third Circuit.

UNITED STATES of America

v.

James G. MARTIN, Appellant.

No. 18172.

|

Argued June 1, 1970.

|

Decided July 16, 1970.

Synopsis

Defendant moved for correction of sentence. The United States District Court for the Western District of Pennsylvania, Rabe Ferguson Marsh, Jr., Chief Judge, [302 F.Supp. 498](#), entered order and defendant appealed. The Court of Appeals held that application of presumption of knowledge of illegal importation from possession of heroin was not unconstitutional as to defendant who was at least a frequent user.

Affirmed.

West Headnotes (4)

[1] **Controlled Substances** 🔑 **Validity**

[96H](#) Controlled Substances

[96HI](#) In General

[96Hk4](#) Statutes and Other Regulations

[96Hk6](#) Validity

(Formerly [304k9](#) Poisons, [138k115.1](#),

[138k115](#) Drugs and Narcotics)

Application of presumption of knowledge of illegal importation of heroin was not unconstitutional as to defendant who was at least a frequent user. Narcotic Drugs Import and Export Act, § 2(c, f), [21 U.S.C.A. § 174](#); 26 U.S.C.A. (I.R.C.1954) § 4704(a).

[2](#) Cases that cite this headnote

[2] **Internal Revenue** 🔑 **Presumptions and Burden of Proof**

[220](#) Internal Revenue

[220XXXII](#) Offenses

[220XXXII\(B\)](#) Criminal Prosecution

[220k5291](#) Presumptions and Burden of Proof

[220k5291.1](#) In General

(Formerly [220k5291](#), [220k2449](#))

Application of statutory provision that proof of possession of heroin shall be prima facie evidence that possessor has violated statute is not limited to distributors of narcotics. Narcotic Drugs Import and Export Act, § 2(c, f), [21 U.S.C.A. § 174](#); 26 U.S.C.A. (I.R.C.1954) § 4704(a).

[4](#) Cases that cite this headnote

[3] **Double Jeopardy** 🔑 **Drugs and Narcotics**

[135H](#) Double Jeopardy

[135HV](#) Offenses, Elements, and Issues

Foreclosed

[135HV\(A\)](#) In General

[135Hk139](#) Particular Offenses, Identity of

[135Hk146](#) Drugs and Narcotics

(Formerly [110k163](#))

Imposition of consecutive sentences on counts for concealing and facilitating transportation of illegally imported heroin and for dispensing and purchasing heroin not in original stamped package did not violate double jeopardy provision of Constitution. Narcotic Drugs Import and Export Act, § 2(c, f), [21 U.S.C.A. § 174](#); 26 U.S.C.A. (I.R.C.1954) § 4704(a).

[5](#) Cases that cite this headnote

[4] **Criminal Law** 🔑 **Presentation of Questions in General**

[110](#) Criminal Law


[110XXIV](#) Review

[110XXIV\(E\)](#) Presentation and Reservation in Lower Court of Grounds of Review

[110XXIV\(E\)1](#) In General

[110k1028](#) Presentation of Questions in General

U.S. v. Martin, 428 F.2d 1140 (1970)

Question not presented by petition for correction
of sentence to trial court could not be argued
in reviewing court.  Fed.Rules Crim.Proc. rule
35, 18 U.S.C.A.

All Citations

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