

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DONTE WALTER ROBINSON	:	
	:	Civil No. CCB-15-3646
v.	:	Criminal No. CCB-14-0568
	:	
UNITED STATES OF AMERICA	:	
	:	
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MEMORANDUM

Federal prison inmate Dante Robinson was sentenced on May 11, 2015, by now retired Judge William D. Quarles to a term of 168 months incarceration following his guilty pleas to Hobbs Act robbery and possession with intent to distribute cocaine. In the plea agreement, the government and the defendant agreed to a sentence between 120 and 180 months. Judge Quarles, who was not bound by the agreement, nevertheless imposed a sentence of 168 months.

Robinson timely filed a motion to vacate under 28 U.S.C. § 2255 alleging that his counsel was ineffective for failing to argue that he was not a career offender. This argument fails for two reasons. First, Robinson has two prior qualifying drug offenses, including the distribution of heroin. That conviction qualifies under the Guidelines even though the sentence imposed was probation before judgment under Maryland law. *See U.S. v. Bagheri*, 999 F.2d 80, 83 (4th Cir. 1993). Second, the sentence imposed by Judge Quarles was well below the career offender range of 262-327 months, for reasons Judge Quarles explained at sentencing. Accordingly, Robinson has shown neither a lack of competent performance by counsel nor any prejudice. *See Strickland v. Washington*, 466 U.S. 668, 687 (1984).

