

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 18-20715

Plaintiff,

SENIOR U.S. DISTRICT JUDGE  
ARTHUR J. TARNOW

v.

LLOYD DAVID SPRINGFIELD,

Defendant.

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**ORDER GRANTING MOTION FOR SEVERANCE [13]; DENYING MOTION TO DISMISS UNDER THE COMMERCE CLAUSE [14]; DENYING MOTION TO DISMISS ON FOR SELECTIVE PROSECUTION [15]; DENYING MOTION TO DISMISS FOR CONSTITUTIONAL VAGUENESS [16]; AND GRANTING MOTION FOR NOTICE FROM THE GOVERNMENT REGARDING 404(B) EVIDENCE**

David Lloyd Springfield stands charged of five armed robberies. He was indicted on October 23, 2018 of ten counts of armed robbery and using a firearm in a crime of violence, and an eleventh count of being a felon in possession of a firearm. He is accused of the armed robbery of four Subway sandwich shops on July 8, 2018, July 9, 2018, July 22, 2018, and July 23, 2018, and the armed robbery of a 7-Eleven on July 25, 2018, all in violation of 18 U.S.C. § 1951(a) (Hobbs Act Robbery) and 18 U.S.C. § 924(c) (Use of a Firearm During and in Relation to a Crime of Violence).

On March 5, 2019, Defendant filed five motions. He filed a motion to sever [13] the indictment to avoid prejudice at trial, a motion to dismiss [14] on the grounds that 18 U.S.C. § 1951 unconstitutionally exceeds Congressional power under the Commerce Clause, a motion to dismiss [15] for racially selective prosecution, a motion to dismiss [46] counts under 18 USC § 924(c) for being unconstitutionally vague, and a motion for notice [18] from the government regarding 404(b) evidence. On April 16, 2019, the Government responded to each of these motions. A hearing was held on April 23, 2019, and all the motions were adjudicated on the record.

For the reasons stated on the record, Defendant's Motion for Severance [13] is granted. "If the joinder of offenses or defendants in an indictment, an information, or a consolidation for trial appears to prejudice a defendant or the government, the court may order separate trials of counts, sever the defendants' trials, or provide any other relief that justice requires." FED R. CRIM P. 14(a). Jointly trying charges on all five robberies in addition to the felon-in-possession of a firearm charge will unduly prejudice the jury on each individual count. The jury should be able to focus on the charges one at a time without being distracted, for instance, by questions about Defendant's criminal history. "By allowing joinder of offenses, the possibility exists that a jury may use the evidence of one of the charged crimes to infer a general criminal disposition by the defendant; the jury also may confuse or cumulate the evidence of the various...charges." *Davis v.*

*Coyle*, 475 F.3d 761, 777 (6th Cir. 2007). The parties will have an opportunity to negotiate how to appropriately sever the trial, without prejudice to further severance if they reach an impasse.

Defendant moves the Court to declare the Hobbs Act Robbery statute—18 U.S.C. § 1951—unconstitutional for exceeding Congress’s powers under the Commerce Clause and infringing on the States’ 10th Amendment police powers. For the reasons stated on the record, Defendant’s Motion to Dismiss [14] on Commerce Clause grounds is denied. “The law of this circuit provides that a showing of a de minimis connection with interstate commerce satisfies the Hobbs Act where a robbery involves a business entity.” *United States v. Watkins*, 509 F.3d 277, 280 (6th Cir. 2007); *see also United States v. Baylor*, 517 F.3d 899 (6th Cir. 2008) (holding that the de minimis rule had survived recent Supreme Court commerce clause decisions such as *Gonzales v. Raich*, 545 U.S. 1 (2005)). That Subway and 7-Eleven move commodities, and capital, through interstate commerce is sufficient to federalize the robberies for which Springfield has been indicted.

For the reasons stated on the record, Defendant’s Motion to Dismiss for Selective Prosecution [15] is denied. Binding precedent forecloses Defendant’s attempt to force the Government to produce statistics on the racial breakdowns of its charging decisions. *See United States v. Armstrong*, 517 U.S. 456, 465 (1996)

(“To establish a discriminatory effect in a race case, the claimant must show that similarly situated individuals of a different race were not prosecuted.”).

For the reasons stated on the record, Defendant’s Motion to Dismiss [16] the 18 U.S.C. § 924(c) charges for unconstitutional vagueness is denied. Only 924(c)(3)(B) shares the vague language that was struck down in *Sessions v. Dimaya*, 584 U.S. \_\_\_ (2018). Hobbs Act Robbery is still a crime of violence for the purposes of 924(c)(3)(A) however. *United States v. Gooch*, 830 F.3d 285, 292 (6th Cir. 2007) (“We join our sister circuits in ruling that Hobbs Act robbery constitutes a crime of violence.”).

For the reasons stated on the record, Defendant’s Motion for Pretrial Disclosure of 404(b) Evidence [18] is granted. Defendant has provided notice of 404(b) evidence it plans to introduce. Because its plans will change depending on how the trial is severed, the adjudication of this motion is without prejudice to future motions on the matter.

Accordingly,

**IT IS ORDERED** that Defendant’s Motion for Severance [13] is **GRANTED**.

**IT IS FURTHER ORDERED** Defendant’s Motion to Dismiss [14] on Commerce Clause grounds is **DENIED**.

**IT IS FURTHER ORDERED** Defendant’s Motion to Dismiss for Selective Prosecution [15] is **DENIED**.

**IT IS FURTHER ORDERED** For the reasons stated on the record, Defendant's Motion to Dismiss [16] the 18 USC 924(c) charges for unconstitutional vagueness is **DENIED**.

**IT IS FURTHER ORDERED** Defendant's Motion for Pretrial Disclosure of 404(b) Evidence [18] is **GRANTED**.

**SO ORDERED.**

Dated: April 24, 2019

s/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge