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Federal Defender Newsletter

December 2011

CJA PANEL TRAINING

Wednesday night CJA panel training will resume on January 18, 2012. The topic in January will be "We Are The 97% [or 97% of Our Clients OCCUPY the Prisons] – Everything You Need to Know about Federal Sentencing."

For additional training and mandatory MCLE credits, on Wednesday, December 14th 12:30-1:30, Michelle Tupper-Brown, Clinical Outreach Coordinator at Azure Acres Recovery Center will be giving a presentation on "Substance Abuse Assessment, Treatment and Referral." The presentation will be in the 4th Floor conference room of the Federal Defender's Office, 801 I St. This presentation qualifies for the mandatory California CLE requirement relating to substance abuse. You are welcome to bring your lunch. The presentation is open to any fellow criminal defense attorneys, even if they are not on the panel.

The Fresno Electronic Voucher Training will be held on December 8, 2011. Panel members should have already received an email announcement about this training. If you have not, please contact Connie Garcia at connie_garcia@fd.org to arrange to attend.

RETIREMENT LUNCHEON FOR FRESNO AFD MELODY M. WALCOTT

Please join us in wishing AFD Melody Walcott the best in her transition into retirement at a luncheon on Tuesday, December 13, 2011 from 11:30 to 1:30 p.m. at the Radisson Hotel & Conference Center, 2233 Ventura Street, Fresno. Cost is \$25 per person, which includes lunch and a gift. Please send checks payable to Francine Zepeda at the Fresno FDO by December 1.

ANNUAL FEDERAL DEFENDER HOLIDAY PARTY

We are having our Annual Defender Holiday Party on Friday, December 9, beginning at 3:00 p.m. and going until 7:00 p.m. All are welcome. Our children's area will once again be in full swing with fun activities for the little ones. Please join us for great food, great drinks, and a great time!

FEDERAL CJA PANEL HOLIDAY PARTY

The panel is hosting a holiday party December 2, from 4:00 to 8:00 in the lobby of the Traveler's Building at 428 J Street. Everyone is invited with their families!

ONLINE MATERIALS FOR CJA PANEL TRAINING

The Federal Defender's Office will be distributing panel training materials through our website - www.cae-fpd.org. If a lawyer is not on the panel, but would like the materials, they can contact [Lexi Negin@fd.org](mailto:Lexi.Negin@fd.org).

CLIENT CLOTHES CLOSET

If you need clothing for a client going to trial or for a client released from the jail, or are interested in donating clothing to the client clothes closet, please contact Debra Lancaster at 498-5700.

TOPICS FOR FUTURE TRAINING SESSIONS

If you know of a good speaker for the Federal Defender's panel training program, or if you would like the office to address a particular legal topic or practice area, please e-mail your suggestions to Charles Lee (Fresno) at charles_lee@fd.org or Lexi Negin (Sacramento) at lexi_negin@fd.org.

ADDRESS, PHONE OR EMAIL UPDATES

Please help us ensure that you receive this newsletter. If your address, phone number or email address has changed, or if you are having problems with the email version of the newsletter or attachments, please call Kurt Heiser at (916) 498-5700. Also, if you are receiving a hard copy of the newsletter but would prefer to receive the newsletter via email, contact Karen Sanders at the same number.

NOTABLE CASES

U.S. v. Tadio, No. 10-10144 (11-21-11)(W. Fletcher with Tashima and Berzon). When a defendant cooperates after sentencing, and the government moves for a Rule 35 reduction, the Ninth Circuit holds that a district court may consider all 3553 factors, including those not connected to the cooperation.

U.S. v. Rudd, No. 10-50254

(11-23-11)(Wardlaw with Berzon and Whyte, D.J.). The defendant pled to a traveling to a foreign country to engage in illicit sexual conduct in violation of 18 USC 2423(c). He agreed to a special condition of not residing within a direct view of certain listed places that persons under the age of 18 frequent. At sentencing, the court imposed a more restrictive condition, stating that he could not reside within 2000 feet of such places. The defendant appealed this "special" special condition. The Ninth Circuit held that the court committed procedural error by failing to articulate or explain why 2000 feet was necessary. The usual special condition of not having a room with a view seemed to serve the purpose of shielding the defendant from temptation. Indeed, a survey of other states and districts reveal that a "view" condition was widely accepted, while even a 1000 foot condition caused some concern as creating a restriction on residency. The court did not address the substantial reasonableness of 2000 feet given the procedural error. It vacated the sentence and remanded for resentencing.