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Federal Defender Newsletter

February 2010

CJA PANEL TRAINING

Sacramento CJA Panel Training will be on the new pretrial services initiative, the Better Choices Program. USPTS Officers Sandra Hall and Becky Fidelman will present the program on February 17, 2010 at 5:30 p.m. at 801 I Street, Sacramento on the fourth floor.

The topic for the Fresno CJA Panel Training will be announced. It will take place on February 16, 2010 at 5:30 p.m. at the Downtown Club, 2120 Kern Street, Fresno.

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 Melody Walcott at the Fresno office at melody_walcott@fd.org or Rachelle Barbour at the Sacramento office at rachelle_barbour@fd.org.

ADDRESS, PHONE OR EMAIL UPDATES

Please help us ensure that you receive the 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.

ANNOUNCEMENTS

Sacramento CJA Panel Welcomes Three New Members

In January, the Panel Selection Committee recommended adding three attorneys to the Sacramento CJA Panel. Eduardo Roy graduated from Vanderbilt Law School in 1988. He worked at the U.S. Department of Justice for 5 years and has been a partner at DLA Piper since 2007. Approximately 30% of his current practice involves federal criminal law matters, primarily complex white collar crime. He speaks fluent Spanish.

Kelly Babineau was an Assistant Sacramento County Public Defender for 12 years and during part of that time was the supervisor of the Research and Writing attorneys in that office. She has tried over 40 cases to verdict in state court.

Alexis Wilson-Briggs graduated from Temple University, School of Law in May of 2007. She will be added to the misdemeanor panel.

Capitol Awards Banquet

On Friday, March 26, 2010, please join Death Penalty Focus and the Friends Committee on Legislation of California in honoring Paralegal Christine Thomas of the Federal Defender's Office for her dedicated commitment to criminal justice reform and the abolition of the death penalty. Information is available at www.deathpenalty.org/sactodinner. The event will feature Death Penalty Focus President Mike Farrell.

OPEN HOUSE FOR THE NEWLY RE-ORGANIZED CLOTHES CLOSET

Come by before the Panel Training Meeting in Sacramento on February 17, 2010, for wine and cheese. Open house will be from 4:30 p.m. to 5:30 p.m.

CLIENT CLOTHES CLOSET

If you need clothing for a client going to trial or for a client released from the jail, please contact Dawn at 498-5700 to use the client clothes closet. If you are interested in donating clothing, we could use more women's clothing and men's dress socks.

NOTABLE CASES

Presley v. Georgia, No. 09-5270 (1-19-10).

The U.S. Supreme Court issued a per curiam opinion without oral argument. The court held that criminal defendants' Sixth Amendment right to a public trial includes the right to have jury selection open to the public.

US v. Burkholder, No. 08-50446 (1-8-10). Must victims' letters be attached to the PSR? In this victim's rights case, the 9th Circuit finds no violation of either the Crime Victim's Rights Act or of Rule 32 in the removal of victim impact letters from the PSR. The victims had their views considered, and neither the Act nor Rule 32 required that the impact letters be attached. Indeed, the court found that the letters contained conduct unrelated to the defendant.

Schad v. Ryan, No. 07-99005 (1-12-10). A habeas petitioner who failed to develop facts necessary for ineffective assistance claim is entitled to hearing on diligence and reasonableness of efforts.

Richardson v. Runnels, No. 07-16736 (1-12-10). Prison lockdowns based on race fail to meet strict scrutiny where no evidence showed that isolated incidents created risk from entire population.

US v. Juvenile Male, No. 07-50107 (1-26-10). The 9th Circuit uses this per curiam opinion to discuss various aspects of the Juvenile Delinquency Act, including the procedural protections of the Act at arrest. The 9th (Berzon, Ikuta, and Singleton) interprets the Act to have a reasonable knowledge provision. If the government had reasonable knowledge that the arrestee was a juvenile, it should have taken steps to contact the Mexican consulate or the parents under the JDA. The violation in this case was not harmless as the juvenile confessed. If the confession was a result of the Act's violation, it must be suppressed.