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# Federal Defender Newsletter

## January 2010

### CJA PANEL TRAINING

Sacramento CJA Panel Training will be on Discovery Practices, presented by AFD Lexi Negin. It will take place on January 20, 2010 at 5:30 p.m. at 801 I Street, Sacramento on the fourth floor.

Fresno CJA Panel Training will be a report by USPO Tim Mechem on Moral Reconciliation Therapy, a new program focusing on cognitive-behavioral treatment. It will take place on January 19, 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](mailto:melody_walcott@fd.org) or Rachelle Barbour at the Sacramento office at [rachelle\\_barbour@fd.org](mailto: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

#### Holiday Party a Great Success

The general consensus is that the Holiday Party this year was the best yet. It was very well attended and enjoyed by all the members of the defense community and the court family. It is not possible to personally thank or list all of the members of the CJA panel and employees of the Federal Defender office who contributed to making this such a terrific event, but a collective "thank you all" is well deserved.

CJA Panel Selection Committee Meeting  
January 14, 2010

The CJA Panel Selection Committee for Sacramento will be meeting on January 14, 2010, to review the applications for membership or renewed membership on the CJA panel. The applicants will be notified as soon as possible after that meeting of the results.

The CJA Panel Selection Committee for Fresno will be meeting on January 7, 2010, and applicants should be notified by the end of the month.

Little Red Rules

The 2010 Little Red Rules Book will be available in early February. If you would like the 2010 edition, please send a check for \$6.00 per copy to:

Federal Defenders of E. WA and ID  
10 North Post Street #700  
Spokane, WA 99201

**CLIENT CLOTHES CLOSET**

Thanks to Dawn Conyers of the Federal Defender's Office for cleaning and organizing the client clothes closet. It will be easier for you to find clothing by size and type. If you borrow something for a client, please return it clean. Please contact Dawn at 498-5700 with any questions. If you are interested in donating clothing, we could use more women's clothing and men's dress socks.

**NOTABLE CASES**

Harrison v. Gillespie, No. 08-16602 (1-5-10). The state jury came back guilty on murder. As to the sentence, the jury reported that it was deadlocked, and two juror notes indicated that the deadlock was

between life with parole, and life without. The petitioner asked to poll the juror on whether there was unanimous agreement whether aggravating circumstances existed and whether they found that mitigating circumstances outweighed aggravators. The trial court denied the request, and declared a mistrial. The State of Nevada sought to retry the petitioner on death, and he sought double jeopardy relief through habeas. The 9th (Reinhardt, joined by Hug) granted relief and reversed the district court's denial of the petition. The panel held the trial court abused its discretion by declaring a mistrial without first granting petitioner's request to poll the jury to determine whether it had acquitted petitioner of the death penalty. The panel further held that, because no other alternative would adequately protect petitioner's rights under the Double Jeopardy Clause, the State could not seek and the court could not impose the death penalty at a sentencing retrial.