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# Federal Defender Newsletter

## March 2013

### CJA PANEL TRAINING

Sacramento CJA Panel training will be on Wednesday, March 20, 2013 at 5:00 p.m. in the jury lounge of the U.S. District Court, 501 I Street. AFD Tivon Schardl will be presenting on "The Use of Social Science Research in Criminal Litigation." Specifically, Tivon will discuss how findings from Legitimacy Theory can be used to counter recent trends in the Supreme Court's Fourth Amendment cases. Findings from studies dovetail with Fourth Amendment concerns that have recently been de-emphasized by the Supreme Court.

Fresno CJA Panel training will be on Tuesday, March 19<sup>th</sup> at 5:30 p.m. at the jury assembly room of the U.S. District Court in Fresno. AFD David Porter will be presenting his annual Supreme Court Roundup/Update.

### 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. If you are interested in donating clothing or money to cover the cost of cleaning client clothing, please contact Debra.

### 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 Francine Zepeda (Fresno) at [francine\\_zepeda@fd.org](mailto:francine_zepeda@fd.org) or Lexi Negin (Sacramento) at [lexi\\_negin@fd.org](mailto: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.

### ONLINE MATERIALS FOR CJA PANEL TRAINING

The Federal Defender's Office will be distributing panel training materials through our website - [www.cae-fpd.org](http://www.cae-fpd.org). If a lawyer is not on the panel, but would like the materials, he or she should contact [Lexi\\_Negin@fd.org](mailto:Lexi_Negin@fd.org).

## NOTABLE SUPREME COURT CASES

In Evans v. Michigan, No. 11-1327 (2-20-13), the court decided that a criminal trial judge's erroneous midtrial entry of an acquittal, based on a finding that there was insufficient evidence to prove a matter the judge mistakenly believed to be an offense "element," bars retrial under the Double Jeopardy Clause.

In Henderson v. United States, No. 11-9307 (2-20-13), the Court ruled that a trial error is "plain" for purposes of the federal plain-error rule, Fed. R. Crim. P. 52(b), if it was plain at the time of appellate review, whether or not the legal question was settled at the time of trial.

In Bailey v. United States, No. 11-770 (2-19-13), the Court ruled that the rule in Michigan v. Summers that officers executing a search warrant are permitted "to detain the occupants of the premises while a proper search is conducted," is limited to the immediate vicinity of the premises to be searched. Accordingly, Summers did not permit law enforcement to detain a recent occupant of the premises at a point beyond any reasonable understanding of the immediate vicinity of the premises to be searched.