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# **Federal Defender Newsletter**

## **May 2013**

### **CJA PANEL TRAINING**

Sacramento CJA Panel training will be on Wednesday, May 15th at 5:00 p.m. in the jury lounge of the U.S. District Court, 501 I Street. Attorney Rachelle Barbour, Dr. Baljit Atwal, and Dr. Marion Chiurazzi will be presenting "Representing a Suicidal Client: Ethical and Practical Considerations."

Fresno CJA Panel training will be on Tuesday, May 21<sup>st</sup> at 5:30 p.m. at the jury assembly room of the U.S. District Court in Fresno. U.S. Magistrate Judge Barbara A. McAuliffe will be presenting "Twitter Can Get You into Ethical Trouble in 140 Characters of Less."

Both of these MCLE trainings qualify for the ethics credit required by the California State Bar.

### **NEW FEDERAL DEFENDER**

Heather Williams has been appointed as the new Federal Defender for the district and will begin on May 6<sup>th</sup>. Please welcome her in her new position.

### **RETIREMENT OF JEFF STANIELS**

After 38 years defending the public, including 30 years as an Assistant Federal Defender and over 23 years as an AFD with the Eastern District of California, Jeff Staniels will be retiring at the end of June. His last day is June 28, 2013. He will be joining the CJA panel after his retirement. Please join us in thanking Jeff for his decades of commitment to public defender work and wishing him well in his post-retirement life.

### **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 CASES

### Supreme Court

Missouri v. McNeely, No. 11-1425 (4-17-13). The Supreme Court (Sotomayor, J.) affirmed the Supreme Court of Missouri and held that “the natural dissipation of alcohol in the bloodstream does not establish a per se exigency that suffices on its own to justify an exception to the warrant requirement for nonconsensual blood testing in drunk-driving investigations.”

Moncrieffe v. Holder, No. 11-702 (4-23-13). Applying the categorical approach, the Court (Sotomayor, J.) held that an alien convicted of a state illicit drug trafficking offense that involved the “social sharing of a small amount of marijuana” is not categorically barred from obtaining discretionary relief from removal under the Immigration and Nationality Act. Such a conviction does not constitute “illegal trafficking in a controlled substance,” and thus is not an “aggravated felony” for purposes of the INA if the conviction fails to establish that the offense involved either remuneration or more than a small amount of marijuana, the Court decided. The prior cannot subject a noncitizen to mandatory deportation and ineligibility for certain forms of discretionary relief.

### Ninth Circuit

United States v. LKAV, Juvenile Male, No. 12-10483 (4-2-13)(N. Smith with Farris and Burgess, D.J. Alaska). The defendant, a juvenile, was charged with murder under the Federal Juvenile Delinquency Act, 18 USC §§ 5031-42. He was 17 at the time (now 21). Suffering from mental issues, he was determined to be incompetent after a local evaluation. The government then moved, and the district court agreed, that he be committed to an adult facility for restoration. The juvenile defendant argued, in an interlocutory appeal, that he must be sent to a juvenile facility for restoration under § 5073(c). The government said that the statute does not mention “competency” and the competency statutes for adults must apply. The Ninth Circuit rejected this interpretation. The plain language of the statute, the legislative history, and the practical results all mandate that a juvenile, proceeded against as a juvenile, must be treated as a juvenile for restoration under the applicable statute for mental study and observations and treatment.