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Federal Defender Newsletter

November 2009

CJA PANEL TRAINING

CJA Panel training will be on Wednesday, November 18, 2009 at 5:30 p.m. Panel training will be held on the 4th floor at 801 I Street in Sacramento. The topic is "Ethics and the Crime Victims' Rights Act."

In Fresno, the panel training will be on Tuesday, November 17, 2009, from 5:30 to 6:30 p.m. at the Downtown Club, 2120 Kern Street in Fresno. Acting Fresno Branch Chief Francine Zepeda and Panel Administrator Nancy McGee will be speaking about panel expense vouchers.

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

Eastern District Conference

The Eastern District Conference is being held November 6-8, at the Portola Hotel in Monterey, California. The topics include "Evaluating Forensic Evidence: Advice from the National Academy of Science" and "Common Ground: Why We Can Stop Gang and Drug Crime." If you have any questions, please contact Marie Heltzel at (916) 930-4615.

Holiday Party

The annual Holiday Party will be Friday, December 11, 2009. As always, everyone is welcome -- attorneys, staff, family members. (Yes, we'll have a kids' room again.) Please save this date. More information to follow as we near December.

NOTABLE CASES

United States v. Van Alstyne, No. 07-50105 (10-22-09).

The Ninth Circuit rejected the position taken by the Department of Justice (and some other courts) that narrowly read the Supreme Court's holding in United States v. Santos, 128 S.Ct. 2020 (2008), as applying only to gambling type predicate offenses. The Ninth applies Santos' interpretation of "proceeds" in the federal money laundering statutes as meaning only "profits" not "gross receipts" to cases involving wire and mail fraud and other predicate offenses, at least where the "merger problem" discussed in Santos exists. The Ninth also made clear that amounts returned to investors in Ponzi scheme cases up to the amount they invested do not count as "losses" under the § 2B1.1 fraud guideline.

United States v. Kilbride, No. 07-10528 (10-28-09).

The Ninth Circuit holds that the standard for obscenity is a national one, when there is a federal statute involved. In this case, the defendant was convicted of spam charges, obscenity charges, and money laundering. The interesting issues arise over the definition of community standards when it comes to obscenity in the context of a federal, hence national, standard. Under the Supremes precedent in Miller,

Hamling and Ashcroft, the focus should not be a specific geographical community, but rather refers to a national community standard to judge internet or email obscenity.