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Federal Defender Newsletter

March 2020

CJA PANEL TRAINING

Fresno and Sacramento CJA Panel Training Sessions are both cancelled for March in light of the coronavirus epidemic. Please stay safe and healthy! We will reschedule Professor Siegler's Sacramento presentation for the Fall.

CJA Representatives

David Torres of Bakersfield, (661) 326-0857, dtorres@lawtorres.com, is our District's CJA Representative. The Backup CJA Representative is Kresta Daly, (916) 440.8600, kdaly@barth-daly.com.

TOPICS FOR FUTURE TRAINING SESSIONS

Know a good speaker for the Federal Defender's panel training program? Want the office to address a particular legal topic or practice area? Email suggestions to:

Fresno: Peggy Sasso, peggy_sasso@fd.org
or Karen Mosher, karen_mosher@fd.org
Sacramento: Lexi Negin, lexi_negin@fd.org

CJA Online & On Call

Check out www.fd.org for unlimited information to help your federal practice. You can also sign up on the website to receive emails when fd.org is updated. CJA lawyers can log in, and any private

defense lawyer can apply for a login from the site itself. Register for trainings at this website as well.

The Federal Defender Training Division also provides a **telephone hotline** with guidance and information for all FDO staff and CJA panel members: 1-800-788-9908.

INTERESTING PODCASTS

- *The 3rd Chair's D.E.S.K., Dialogue, Education, Strategy, and Knowledge:* Defender Services Office Training Division (DSOTD) podcast designed to provide valuable information and inspiration for federal criminal defense practitioners. Topics will include substantive federal criminal law subjects, from sentencing to mental health, to trial skills. Sign into fd.org. <https://www.fd.org/training-division-podcasts>

ACCESS TO FD.ORG is limited to Federal/Community Defender Offices staff and Panel attorneys. If you already applied and were approved for www.fd.org log-in credentials, simply click the link above and enter your username and password. If you have questions about access to www.fd.org, please email fdorg_help@ao.uscourts.gov.

- *The GEN WHY Lawyer: Discovering the Y of Law:* interviews with lawyers on how to build a meaningful life and

fulfilling legal career.

- *First Mondays*: about the Supreme Court, co-hosted by former Court law clerks.
- *The Moth*: storytelling at its best.
- *Ear Hustle*: podcast from inside San Quentin Prison.
- *Conversations with People Who Hate Me*: Host Dylan Marron deliberately interviews people with whom he disagrees and who disagree with him and who he is.
- *Criminal*: no description really needed, is there?
- *Code Switch*: Helping with the delicate, minefield of today's race and identity issues.
- *70 Million*: documents how locals are addressing the role of jails in the broader criminal justice system.

SUPREME COURT

Holquin-Hernandez v. United States, No. 18-7739, 589 U.S. ____ (Feb. 26, 2020).

Mr. Holquin-Hernandez violated his term of supervised release and was subject to a violation guidelines range of 12-18 months. At his sentencing, his attorney argued for no prison time, or at least a term of imprisonment less than 12 months. The district court imposed a sentence of 12 months. The question presented to the Court was whether the defendant's request for a specific sentence preserved his appellate claim that his 12-month sentence was unreasonable.

The Supreme Court said this claim was sufficiently preserved. So long as "a criminal defendant advocates for a sentence shorter than the one ultimately imposed," he sufficiently preserves his claim on appeal that a longer sentence is unreasonable. A defendant is not required

to formally object to the "reasonableness" of a sentence to preserve this claim.

This case is an important reminder to make sure you are doing all you can to clearly preserve all claims at sentencing. As explained in *Holquin-Hernandez*, Rule 51(b) provides for two methods to make an objection: (1) by informing the court of the action the party wishes the court to take; or (2) by objecting to the court's action and stating the grounds for that objection. Satisfying both methods will be your best bet to make the strongest record.

NINTH CIRCUIT

Pending en banc case: United States v. Collazo, No. 15-50509. The Ninth Circuit has asked the parties to brief a series of questions related to whether the Government must prove beyond a reasonable doubt to a jury that your client knew he was dealing in a specific drug type or quantity to trigger a statutory mandatory minimum or increase the statutory maximum. Preserve the issue in pending drug trials by requesting that the judge instruct the jurors that they must find that knowledge.