

The

PROSECUTOR



RECENT CASES

United States Supreme Court

Prisoner Improperly Granted Federal Habeas Relief

After being sentenced to death, Respondent sought habeas relief, arguing that his counsel failed to adequately investigate and present mitigating evidence to support his case. The California Supreme Court summarily denied the claim on its merits, but the federal district court granted federal habeas relief under 28 U.S.C. § 2254. The Ninth circuit

then affirmed the District Court's decision.

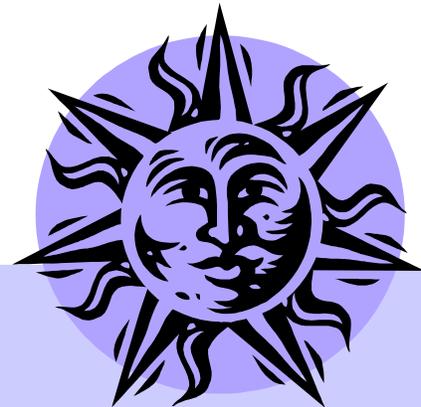
The Supreme Court then reversed the Ninth Circuit, reasoning that The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), § 2254 sets limits to a federal court's power to grant habeas relief to a state prisoner, and stating that review of a state court's proceedings can occur only when adjudication resulted in either (1) the violation or unreasonable application of established federal law, or (2) a decision that was unreasonable in light of the evidence in the state court case. Furthermore, the Court determined that Respondent failed to provide evidence that his counsel failed to act reasonably or that the result of his trial would have been different were it not for his counsel's errors. *Cullen v. Pinholster*, 563 U.S. ___ (2011)

Utah Supreme Court

Utah Boundary Dispute Theories Articulated

The Bahr and Imus families engaged in a property line dispute. The parties' briefs addressed all three boundary dispute theories articulated in Utah case law: boundary by estoppel, boundary by acquiescence, and boundary by agreement. The Utah Supreme

Continued on page 2



In This Issue:

1

Case Summaries

7

2011 LEOJ Course

4

Prosecutor Profile:

Lee Edwards, Logan Assistant City Attorney

12

On the Lighter Side

6

Student Loan Repayment Assistance Program

13

Training Calendar



Continued from page 1

Court took the opportunity to delineate the nature and elements of these doctrines. After doing so, the Court held that the Imuses were entitled to summary judgment on the basis of an enforceable oral agreement establishing a boundary by agreement on the parties' fence line. *Bahr v. Imus*, 2011 UT 19

Standard for Extreme Emotional Distress Defense Instruction

White was charged with the attempted murder of her ex-husband after she chased and hit him with her car. The trial court denied White's pretrial motion to instruct the jury on the extreme emotional distress defense.

On appeal, the Utah Supreme

Court remanded the case with instructions to reevaluate the issue under a different standard. The Court concluded that a defendant does not have to demonstrate a "highly provocative" and "contemporaneous" triggering event to obtain the jury instruction. Instead, the judge must simply conclude that a rational jury could find a factual basis in the evidence to support the defense,

Continued on page 3

United States Supreme Court (p. 1)

Cullen v. Pinholster- Prisoner Improperly Granted Federal Habeas Relief

Utah Supreme Court (p. 1-3)

Bahr v. Imus- Utah Boundary Dispute Theories Articulated

State v. White- Standard for Extreme Emotional Distress Defense Instruction

Selman v. Box Elder County- Ombudsman's Office Has Authority to Arbitrate Property Ownership Issue

Jensen v. Cunningham- Legal Standard for State and Federal Constitutional Violations Is Not Identical

Utah Appellate Court (p. 3, 5, 8)

State v. Watkins- 'Position of Special Trust' Includes Being Cohabitant

State v. Bradford- Fugitive's Appeal Dismissed

State v. Davis- Latent Ambiguity Found in Plea Agreement

State v. Ferguson- Court Must Conduct "Scrupulous" Examination Before Admitting Prior Instances of Sexual Abuse

State v. Hauptman- Though Incorrect, Honest Voir Doire Opinion Answers Do Not Constitute Juror Misconduct

State v. Kragh- No Appellate Jurisdiction if Sentence Was Not Illegal

State v. Nelson- Judge Cured Incorrect Jury Instructions

SLC v. Street- Reasonable Suspicion Under *Mulcahy* Analysis

Tenth Circuit (p. 8-9)

Tiscareno v. Anderson- Brady Didn't Clearly Apply to Child Services Agency

United States v. Garcia- Expert Testimony on Gun Trade Was Proper

Mata v. Anderson Retaliatory- Prosecution Claim Accrues Upon Notice

United States v. Langford- U.S. Can't Prosecute Non-Indian For Victimless Crime in Indian Country

Licon v. Ledezma- BOP Program Can Exclude Gun Possession Offenders

Other Circuits / States (p. 9-11)

United States v. Hotaling- Freedom of Speech and Child Pornography

United States v. Barton- Approval of Gun Restrictions in Heller Was Not Dicta

Khatib v. County of Orange- Court Holding Cell Is 'Institution' Under RLUIPA

In re Amy Unknown- Child Porn Victim Can Recover Most Losses Without Demonstration of Proximate Cause

United States v. Curtis- Fifth Circuit Declines to Modify Cell Phone Search Rule in Wake of *Gant*

United States v. Alvarez- Ninth Circuit Vigorously Debates Whether Free Speech Clause Shields Liars

United States v. Hart- Identity of Sex Crime Is Not Element of Enticing Minor for Unlawful Sex

State v. Miller- Guidance On Playing Back Recorded Testimony for Jury

People v. Mozes- Restitution Takes Precedence Over Child Support

State v. Johnston- Fourth Amendment Was Not Violated By Blood Draw at Stationhouse



Continued from page 2

which includes finding an external triggering event that does not have to be contemporaneous.

Furthermore, the Court concluded that such a defense should be evaluated from the perspective of a reasonable person under the then-existing circumstances. *State v. White*, 2011 UT 21

Ombudsman's Office Has Authority to Arbitrate Property Ownership Issue

Amidst a property dispute with Box Elder County, the Selmans sought arbitration from the Office of the Property Rights Ombudsman. The Utah Supreme court granted certiorari on the issue of "whether the court of appeals erred in affirming the district court's construction of the scope of the arbitration provision of the Property Rights Ombudsman Act." The Court reversed and held that the plain language of the act grants the Ombudsman's Office authority to arbitrate the threshold issue of property ownership in takings and eminent domain disputes. *Selman v. Box Elder County*, 2011 UT 18

Legal Standard for State and Federal Constitutional Violations is Not Identical.

The Jensens sued various state actors alleging violations of their state and federal constitutional rights after a doctor reported them to the Utah Division of Child and

Family Services (DCFS) for refusing their child medical care. A federal judge ruled against the Jensens in regards to the federal rights but remanded the state law claims to a Utah district court, which applied collateral estoppel.

On appeal, the Utah Supreme Court found that the state district court erred in applying collateral estoppel because the legal standard for state and federal constitutional violations is not identical. The Court nonetheless affirmed on



alternative grounds, holding that the Jensens' claims against the doctor and DCFS attorney are barred under the doctrine of quasijudicial immunity because the claims arose out of the defendants' roles in which they played an integral part in the judicial process. The remaining claims failed because the Jensens did not meet their burden of demonstrating that damages were an appropriate remedy. *Jensen v. Cunningham*, 2011 UT 17

Utah Court of Appeals

'Position of Special Trust' Includes Being Cohabitant

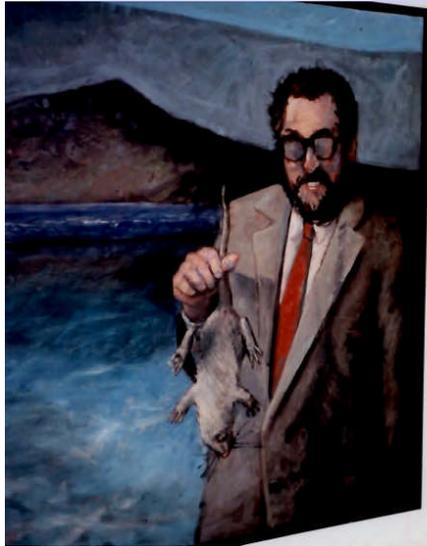
During trial, Watkins unsuccessfully moved to dismiss, one of his arguments being that the State failed to prove the element that he was in a position of special trust with respect to Child. On appeal, the appellate court held that there was sufficient evidence presented from which a jury could find that Watkins was in a position of special trust by virtue of his status as a cohabitant of Father. Such evidence included the fact that Watkins lived with Father full-time, had his own room, and paid rent. *State v. Watkins*, 2011 UT App 96

Fugitive's Appeal Dismissed

During the pendency of her appeal, Bradford violated the terms of her probation and became a fugitive. Because a fugitive places herself beyond the reach of the judicial system and any ruling cannot be enforced against her, the appellate court dismissed her appeal. *See State v. Tuttle*, 713 P.2d 703, 704 (Utah 1985). *State v. Bradford*, 2011 UT App 80

Continued on page 5

PROSECUTOR PROFILE



Lee Edwards

Logan Assistant City Attorney

Lee Edwards wanted to be a firefighter growing up. It wasn't until he served jail time that he changed his mind. While living in Venezuela, Lee was arrested for overstaying his visa. He wasn't released from jail until several hours later, and after explaining his situation to a military judge. That was just one of several experiences that led Lee to realize the problems of corrupt and broken governments. After leaving Venezuela, Lee knew he wanted to work in government, to play a role in ensuring that government was not abusive. And, as a bonus, his experience behind Venezuelan bars gives him the upper hand when a criminal defendant claims that Lee has no idea what jail is like, and he can simply respond that he certainly does know what it's like.

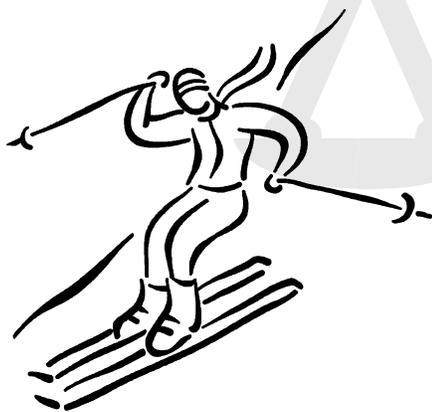
When Lee informed his family and friends that he wanted to be a lawyer, they were happy that at least now they could put a face with all the lawyer jokes. After graduating from BYU law school, Lee clerked for a District Judge in Idaho, then worked with Eric Ludlow in Washington County as a Deputy County Attorney (he has noticed that many distinguished prosecutors in the State of Utah got their start in Washington County...). Lee now works as the Assistant City Attorney in Logan.

One of Lee's favorite memories involves a drunk driver with multiple offenses who pleaded guilty to a B misdemeanor citation (before an Information was filed by Lee's office). The defendant was upset because he got the maximum based on his record (180 days in the Cache County Jail). He then made a pro se motion to withdraw his plea thinking that would help him. Lee worked with Cache County to get felony charges filed based on the priors, then stipulated to allow him to withdraw his plea to the B misdemeanor. Ultimately, he was convicted of a third degree felony and probation violations on the priors and went to prison (this was before the statute was changed that would prevent this from happening).

Another memorable time in court for Lee happened when a bailiff said, "all rise," and a male inmate in shackles rose. However, his one size to large jail issued sweats did not. This left the inmate standing with his pants down. The female bailiffs did not immediately do anything, but the public defender stepped in and pulled up his sweats. Lee later joked about adding charges of lewdness.

From his experience, Lee thinks that one of the more important qualities of a good prosecutor is being able to carefully screen cases, objectively look at the facts, and make good filing decisions. Once cases are appropriately screened, the prosecutor should be ready to try the case. In regards to what changes he would like to see in the criminal justice system, Lee thinks that Justice Courts (at least ones in the larger cities) should have law trained judges, be courts of record, have jurisdiction over all misdemeanors and preliminary hearings, and that there should not be a de novo trial right in the District Court.

Whether it's from the jail cell of a South American country, or from the corner counties of Utah, Lee has experienced both the good and bad a government can make. Yet it's public service like his that reminds us how the good can largely outweigh the bad.



BORN - Ogden, UT

FIRST JOB - Waiter at Village Inn

FAVORITE HOBBIE - Skiing at Beaver Mountain with two sons

FAVORITE BAND - Styx or whatever band comes to the Logan Cruise- In auto show (this year it is the Beach Boys)

FAVORITE BOOK - *One Hundred Years of Solitude*

FAVORITE T.V. SERIES - The Simpsons

FAVORITE MOVIE - Tie: *Slumdog Millionaire* and *Raising Arizona*

FAVORITE FOOD - Ribs at Texas Roadhouse

FAVORITE TREAT - Sprees and hot tamales together



Continued from page 3



Latent Ambiguity Found in Plea Agreement

On appeal, Davis claimed that the prosecutor violated their plea agreement. The appellate court held that the plea agreement may have contained a latent ambiguity and therefore instructed the trial court to ascertain its precise meaning. The prosecutor had agreed to recommend that Davis's sentence "run concurrent" with his jail sentence. However, communications between the Trial judge and defense counsel indicated that the term may have been interpreted as having the prosecutor recommend a sentence identical to the jail sentence. *State v. Davis*, 2011 UT App 74

Court Must Conduct "Scrupulous" Examination Before Admitting Prior Instances of Sexual Abuse

Ferguson appealed his conviction for aggravated sexual abuse of a child, arguing that evidence of his prior instances of child sexual abuse should not have been

admitted under rule 404(b). To admit evidence under rule 404(b), the court must first determine whether the bad acts evidence is being offered for a proper, noncharacter purpose; and then determine whether the bad acts evidence meets the requirements of rules 402 and 403. *Nelson v. Waggoner*, 2000 UT 59, ¶ 18-20.

The appellate court held that the trial court failed to conduct a "scrupulous" examination of the evidence in light of these requirements. See *Webster*, 2001 UT App 238, ¶ 11. However, the court affirmed Ferguson's conviction because the error was harmless. *State v. Ferguson*, 2011 UT App 77

Though Incorrect, Honest Voir Doire Opinion Answers Do Not Constitute Juror Misconduct

On appeal for his conviction of sexual abuse of a child, one of Hauptman's arguments was that the trial court misapplied the McDonough test in determining that there was no juror misconduct. "The *McDonough* test mandates a new trial if the moving party demonstrates that (1) 'a juror failed to answer honestly a material

question on voir dire,' and (2) 'a correct response would have provided a valid basis for a challenge for cause.'" *State v. Thomas*, 830 P.2d 243, 245 (Utah 1992).

Jurors were asked if it would affect their ability to be impartial if they learned that the defendant had viewed pornography in the past. After trial, a juror informed the judge that the defendant's viewing of pornography did end up playing a part in her guilty vote. Nevertheless, the appellate court held that the first prong of the McDonough test was not met because even though the juror was ultimately wrong, she answered the question on voir dire with her honest opinion. *State v. Hauptman*, 2011 UT App 75

No Appellate Jurisdiction if Sentence Was Not Illegal

Kragh appealed arguing that the trial court entered an illegal sentence when it imposed a different sentence than that to which the court had "conditionally bound" itself. However, the appellate court held that the trial judge clearly indicated that it was not a party to the plea agreement, and therefore the sentence was not illegal, resulting in a lack of jurisdiction for the court to consider the rest of his appeal. See Utah R. Crim. P. 22(e). *State v. Kragh*, 2011 UT App 108

Judge Cured Incorrect Jury Instructions

During Nelson's trial, the part of the jury instruction that



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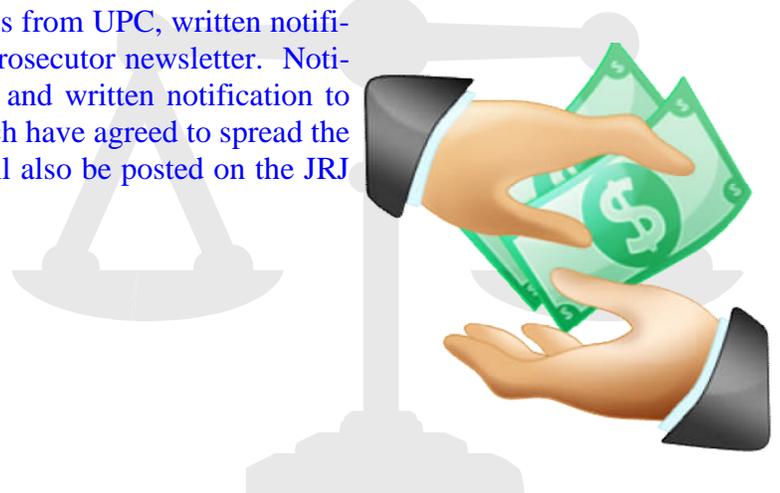
John R Justice Student Loan Repayment Assistance Program for Prosecutor and Public Defenders

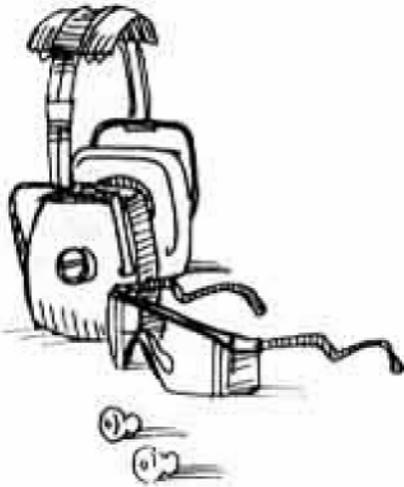
The kick off of the Utah John R Justice (JRJ) Student Loan Repayment Program for Prosecutors and Public Defenders is rapidly approaching. The Utah information packet and the Utah JRJ assistance application form have been finalized. As soon as the JRJ website has been prepared and tested, the information packet and application form will be distributed to public defenders and prosecutors throughout Utah. Absent any technical problems in the development of the website, that distribution will likely take place by early May.

By way of reminder, here is some information about JRJ that was previously distributed:

- Only \$100,000 will be available for Utah during the current federal fiscal year. Up to 15% of that amount may be used to cover administrative expenses.
- The act mandates that JRJ funds be divided 50/50 between prosecutors and public defenders, regardless of the relative number of eligible persons in each category.
- To be eligible for JRJ assistance a person must be either:
 - a full time prosecutor who works for state government, for a local governmental entity, or for a tribal government;
 - a full time public defender who is employed by the state, by a local governmental entity, or by a non-profit agency which contracts to supply public defender services for the state or for a local governmental entity; or
 - a full time public defender who works for a federal defender's office.
- Priority must be given to applicants who are "least able to pay" their student loan obligation.
- The act requires that a procedure be used to assure relatively equal geographic distribution of JRJ assistance awards throughout the state.
- The Utah JRJ committee has determined that, at least during this federal fiscal year, no individual award of JRJ funds will exceed \$4,000. Individual award amounts will be based upon a formula that takes income and number of dependants into consideration. Longevity in JRJ eligible employment may also be considered.
- In order to receive a JRJ award, an applicant will be required to sign a written commitment to continue in eligible JRJ employment for at least three years from the date of the first award. Those who receive awards during the first year of the program will, if still eligible, receive priority for subsequent year awards. Any subsequent year awards are, of course, dependant upon continued congressional funding of the program.

Notification to prosecutors will be via e-mails from UPC, written notification to employers, and information in The Utah Prosecutor newsletter. Notification to public defenders will be through e-mail and written notification to Utah JRJ eligible public defender offices, all of which have agreed to spread the word internally to their employees. Information will also be posted on the JRJ website, once it is established.





2011 LEOJ Course

--June 15, 16, 17, 2011

--8 a.m. to 5p.m. each day

--Camp Williams, Salt Lake County

This is the only course that will qualify a judge, Board of Pardons member, or prosecutor, for the LEOJ CCW permit. *See* Utah Code Ann. § 53-5-7 1 1(2)(b). Advance registration is required.

- To register, contact Ken Wallentine by email, KenWallentine@Utah.gov. There is no fee for the training.
- Participants must supply their own eye and ear protection, ammunition, and firearm. Space is limited, registration accepted on *first come, first served*, basis.

**This class always has a waiting list.* If you register and cancel or fail to attend, we often cannot fill your spot and the money and space is wasted. If you are accepted for the class, we expect that you will block your calendars and arrange to be absent from court during the course. It is impossible for a prosecutor to “run to court for a quick plea” during this course. Please do not register if you are not presently certain that you will attend.



Continued from page 5

set forth the charge erroneously included the following element: “having been previously convicted under Utah Code Ann. Sec. 58-37-8 (1)(a).” When reading the instructions to the jury members, who were following along with their own copies, the trial court realized the mistake and told the jury to strike the offending language.

On appeal, the court disagreed with Nelson’s contention that he was not given a fair trial, reasoning that the judge adequately ensured a fair trial by explaining that the offending language was mistakenly included and that there was no evidence in the case that Nelson had committed any prior crimes. *State v. Nelson*, 2011 UT App 107

Reasonable Suspicion Under *Mulcahy* Analysis

Street appealed his DUI conviction, claiming that the officer who stopped him did not have reasonable suspicion. The appellate court held that the officer did have a reasonable suspicion according to the three *Mulcahy* factors, which are 1) the reliability of the informant, 2) the detail of the information, and 3) corroboration

of the tip by the officer’s own observations. See *Kaysville City v. Mulcahy* 943 P.2d 231, 235-36. While on foot patrol, the officer was approached by a woman who claimed that a drunken-looking man was passed out in a vehicle with a child in the backseat. The court reasoned that because the woman was a disinterested citizen informant who spoke in person with the officer, and because her account was corroborated with the officer’s later observations, her account was reliable under the *Mulcahy* analysis. *SLC v. Street*, 2011 UT App 111

Tenth Circuit Court of Appeals

Brady Did Not Clearly Apply to Child Services Agency

After a Brady request by prosecutors, Utah Division of Child and Family Services (DCFS) failed to turn over a report prepared by doctors that undermined the state’s case against plaintiff. Consequently, Plaintiff filed a 42 U.S.C. §1983 action against DCFS.

The court held that DCFS’s obligation to comply with Brady was not clearly established and thus the director of the agency was entitled to qualified immunity from civil liability. Under *Smith v. Secretary of New Mexico Department of Corrections*, 50 F.3d 801 (10th Cir. 1995), the Brady obligation extends to all “arms of the state involved in investigative



aspects of a particular criminal venture,” requiring an analysis into how closely the agency worked with the prosecutor’s office on a particular investigation. However, the court concluded that “unlike a prosecutor who may be imputed with knowledge of exculpatory evidence regardless of his good intentions, an investigator facing a §1983 suit is liable only for information that he knew or should have known and failed to disclose to the prosecutor.” *Tiscareno v. Anderson*, 10th Cir., No. 09-4238, 3/14/11, amended 3/21/11

Expert Testimony on Gun Trade Was Proper

In the prosecution of a straw purchaser, it is appropriate to have an expert testify as to the methods by which Mexican drug organizations obtain firearms in the U.S, the Tenth Circuit held. *United States v. Garcia*, 10th Cir., No. 10-2115, 3/28/11

Retaliatory-Prosecution Claim Accrues Upon Notice

A First Amendment retaliatory-prosecution cause of action accrues when the complainant has reason to



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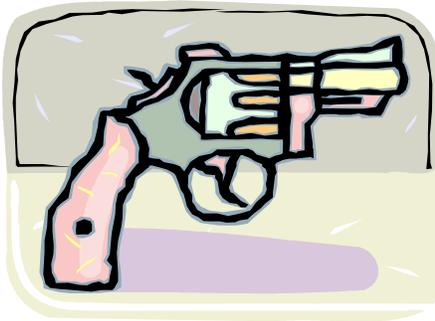


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know of the prosecution, not at the time the criminal charges are dismissed, the Tenth Circuit held. *Mata v. Anderson*, 10th Cir., No. 10-2031, 3/31/11

United States Can Not Prosecute Non-Indian For Victimless Crime in Indian Country

Federal authorities cannot prosecute a non-Indian for a victimless crime committed in Indian country, the Tenth Circuit held. The issue is one of sovereign authority, as opposed to subject-matter jurisdiction, since states possess exclusive criminal jurisdiction over crimes occurring in Indian country if there is neither an Indian victim, nor an Indian perpetrator. *United States v. Langford*, 10th Cir., No. 10-6070, 4/11/11



BOP Program Can Exclude Gun Possession Offenders

A habeas corpus petitioner challenged the Bureau of Prisons's (BOP) conclusion that all felon-in-possession offenders are violent offenders as arbitrary and capricious. The BOP has statutory authority to grant up to a one-year sentence reduction to inmates with "nonviolent offense" convictions. The statute, 18 U.S.C. § 3621(e)(2) (B), does not define "nonviolent offense," and BOP promulgated regulations under which prisoners

with convictions of crimes of violence, including felon-in-possession charges, are disqualified. However, the Tenth Circuit ruled that such a program is not impermissibly arbitrary. *Licon v. Ledezma*, 10th Cir., No. 10-6166, 3/30/11

Other Circuits/ States

Freedom of Speech and Child Pornography

The Second Circuit held that the First Amendment's guarantee of expressive speech does not protect a defendant against prosecution under federal child pornography laws for creating digitally modified images using the faces of actual minors superimposed onto images of adults engaged in sexual activity. *United States v. Hotaling*, 2d Cir., No. 09-3935-cr, 2/28/11

Continued on page 10

The Utah Prosecution Council

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Continued from page 9

Approval of Gun Restrictions in Heller Was Not Dicta

The Third Circuit rejected a defendant's argument that the federal law that prohibits felons from possessing firearms even for purposes of self-defence in their homes violates the Second Amendment. In doing so, the court held that the Supreme Court's discussion in *District of Columbia v. Heller*, 554 U.S. 570 (2008) of the categorical exceptions to the Second Amendment was not merely dicta, but rather binding. *United States v. Barton*, 3d Cir., No. 09-2211, 3/4/11

Court Holding Cell Is 'Institution' Under RLUIPA

A civil rights plaintiff sued under the Religious Land Use and Institutionalized Persons Act after she was required to twice remove her head scar in view of male officials while she was detained in a county courthouse holding cell. The Ninth Circuit held that a courthouse holding cell qualifies as an "institution" for purposes of the



protections provided by the RLUIPA. *Khatib v. County of Orange*, 9th Cir. (en banc), No. 08-56423, 3/15/11

Child Porn Victim Can Recover Most Losses Without Demonstration of Proximate Cause

In a case argued successfully by Paul Cassell of the UofU School of Law, the Fifth Circuit held that a victim depicted in child pornography need not prove that the material proximately caused her losses to obtain restitution under most provisions of the Crime Victims Rights Act, 18 U.S.C. § 3771. *In re Amy Unknown*, 5th Cir., No. 09-41238, 3/22/11

Fifth Circuit Declines to Modify Cell Phone Search Rule in Wake of Gant

A police officer did not violate the Fourth Amendment by conducting a warrantless search of a cell phone that an arrestee was using at the time he was apprehended, the Fifth Circuit held.

The court did not address how to apply the Supreme Court's recent decision to narrow the search-incident-to-arrest doctrine because the decision was not in effect at the time of the case at hand, thereby falling under the good-faith exception. *See Arizona v. Gant*, 85 CrL 95 (U.S. 2009). *United States v. Curtis*, 5th Cir., No. 09-20491, 3/11/11



Ninth Circuit Vigorously Debates Whether Free Speech Clause Shields Liars

The constitutionality of the Stolen Valor Act, which makes it a crime to lie about being awarded military honors, remains in serious doubt following the Ninth Circuit's divided decision to deny panel and en banc rehearing after a three-judge panel struck down the law in 2010 on First Amendment grounds. *United States v. Alvarez*, 9th Cir., No. 08-50345, 3/21/11

Identity of Sex Crime Is Not Element of Enticing Minor for Unlawful Sex

At odds with the Seventh Circuit, the Sixth Circuit held that a jury deliberating whether a defendant is guilty of enticing a minor to commit an unlawful sex act need not agree on the particular state sex charge that is most applicable. 18 U.S.C. § 2422(b) criminalizes persuasion and therefore the government is not required to prove that the defendant completed any specific chargeable offense. *United States v. Hart*, 6th Cir., No. 09-6554, 3/29/11

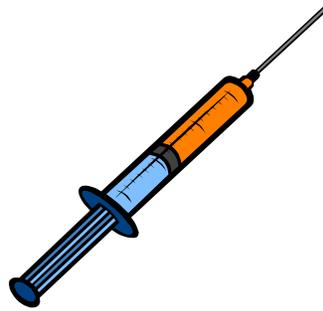
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Guidance On Playing Back Recorded Testimony for Jury

The New Jersey Supreme Court concluded that juries, upon request, should be provided with the best available form of evidence (video feedbacks in favor of read-backs), unless there is a sufficiently strong, countervailing reason not to. Some of the guidelines the court gave were: the trial court should make a precise record of what testimony is played back, the tape should be redacted to remove sidebars and inadmissible testimony, the entire testimony requested should be played back, and playbacks should take place in open court with all parties present. *State v. Miller*, N.J., No. A-94-09, 3/14/11



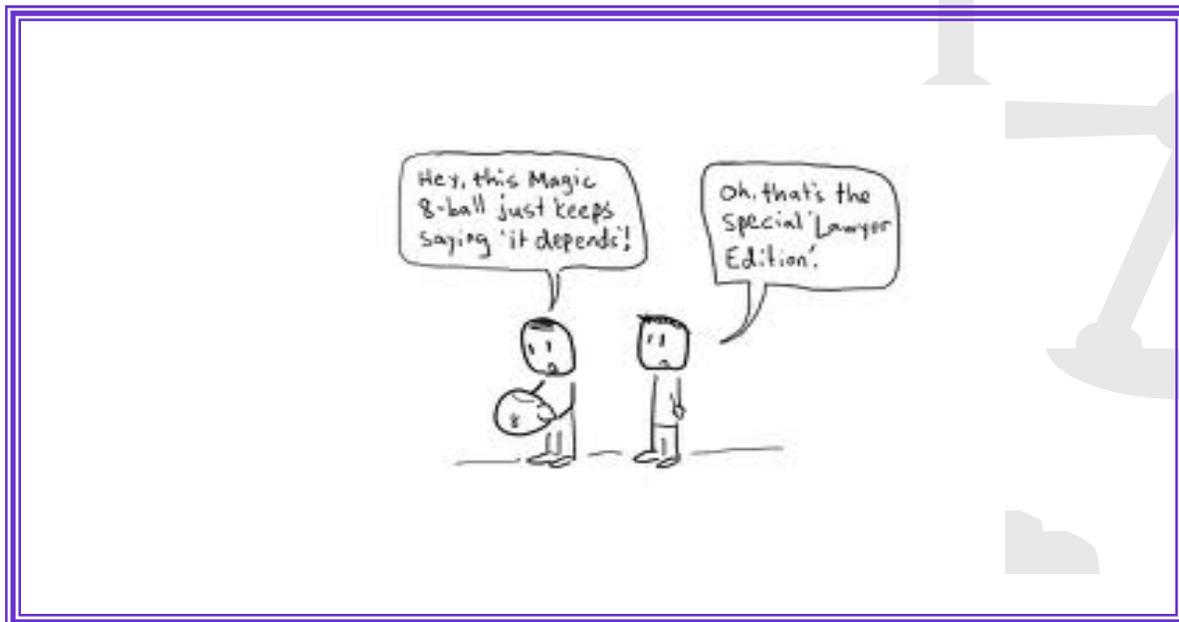
Fourth Amendment Was Not Violated By Blood Draw at Stationhouse

Officers did not violate the Fourth Amendment when they forcibly restrained a drunken-driving suspect and extracted blood samples from her at a police station, the Texas Court of Criminal Appeals held. The court found that the blood-drawing procedures fell within the scope of a U.S. Supreme Court decision to uphold a compelled blood draw at a hospital, even though that same decision raised doubts about the

reasonableness of blood draws by nonmedical personnel at police stations. See *Schmerber v. California*, 384 U.S. 757 (1966). *State v. Johnston*, Tex. Crim. App., No. PD-1736-09, 3/16/11

Restitution Takes Precedence Over Child Support

Under California's "Freeze and Seize Law," which provides for the seizure of a defendant's assets in certain white collar crime cases to preserve them for restitution, the crime victims have priority over a claimant with a child support order seeking the same assets, the California Court of Appeals held. *People v. Mozes*, Cal. Ct. App., No. B221020, 2/17/11





On the Lighter Side

Real Extracts from American Courtrooms

"Do you recall the time that you examined the body?"

"The autopsy started around 8:30 p.m."

"And Mr. Dennington was dead at the time?"

"No, he was sitting on the table wondering why I was doing an autopsy."

"Was it you or your younger brother who was killed in the war?"

"Did he kill you?"

"Doctor, how many autopsies have you performed on dead people?"

"All my autopsies are performed on dead people."

"You were there until the time you left, is that true?"

"How many times have you committed suicide?"

"How was your first marriage terminated?"

"By death."

"And by whose death was it terminated?"

"Can you describe the individual?"

"He was about medium height and had a beard."

"Was this a male, or a female?"

"Were you present when your picture was taken?"

"How far apart were the vehicles at the time of the collision?"



UTAH PROSECUTION COUNCIL AND OTHER LOCAL CLE TRAININGS

| | | |
|------------------|--|------------------------------------|
| May 17-19 | ANNUAL CJC / DOMESTIC VIOLENCE CONFERENCE <i>Workers against all types of interpersonal violence get to mingle and learn</i> | Zermatt Resort Midway, UT |
| June 23-24 | UTAH PROSECUTORIAL ASSISTANTS ASSOCIATION CONFERENCE <i>Substantive training for non-legal staff in prosecution offices</i> | Riverwood Conf. Cntr. Logan, UT |
| August 4-5 | UTAH MUNICIPAL PROSECUTORS ASSOCIATION SUMMER CONF. <i>The annual opportunity for municipal prosecutors to gather for mutual training</i> | La Quinta Inn Moab, UT |
| August 15-19 | BASIC PROSECUTOR COURSE <i>Substantive and trial advocacy training for new and newly hired prosecutors</i> | University Inn Logan, UT |
| September 14-16 | FALL PROSECUTOR TRAINING CONFERENCE <i>The annual training and interaction event for all the state's prosecutors</i> | Yarrow Hotel Park City, UT |
| October 19-21 | GOVERNMENT CIVIL PRACTICE CONFERENCE <i>Training and interaction for civil side public attorneys</i> | Zion Park Inn Springdale, UT |
| November 17-18 | COUNTY/DISTRICT ATTORNEYS EXECUTIVE SEMINAR <i>Elected and appointed county/district attorneys meet in conjunction with UAC</i> | Dixie Center St. George, UT |
| Nov. 30 - Dec. 2 | ADVANCED TRIAL SKILLS TRAINING <i>Substantive and trial advocacy training for experienced prosecutors</i> | Location pending |

National Advocacy Center (NAC)

THE NAC IS CLOSING

The last courses scheduled to be held at the National Advocacy Center are Unsafe Havens II, August 22-26, and Lethal Weapon, September 12-16. All other previously listed NAC courses have been canceled. The National District Attorneys Association is working to establish another center for prosecutor training. It will provide details as the plan develops. The National District Attorneys Association will provide the following for NAC courses: course training materials; lodging [which includes breakfast, lunch and two refreshment breaks]; and airfare up to \$550. Evening dinner and any other incidentals are NOT covered.

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|-----------------|---|-------------------------|--------------|
| August 21-26 | UNSAFE HAVENS II <i>Advanced Trial Ad Training for Prosecution of Technology-Facilitated Child Sexual Exploitation</i> | Summary | Columbia, SC |
| September 12-16 | LETHAL WEAPON <i>Advanced trial ad training and substantive instruction in auto homicide prosecution</i> | Summary | Columbia, SC |

NATIONAL DISTRICT ATTORNEYS ASSOCIATION COURSES*
AND OTHER NATIONAL CLE CONFERENCES

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|-----------------|---|-------------------------|--------------------------|------------------|
| June 5-14 | CAREER PROSECUTOR COURSE | Summary | Register | Charleston, SC |
| June 20-24 | UNSAFE HAVENS I | Summary | Register | Portland, OR |
| July 11-13 | SafetyNet (In conjunction with AOL) <i>Addresses multiple areas within the investigation and prosecution of technology-facilitated child sexual exploitation. All applicants must be affiliated with an ICAC Task Force to be considered. There is no registration fee for this course.</i> | Summary | | Dulles, VA |
| July 15-20 | NDAA SUMMER COMMITTEE & BOARD MEETINGS & CONFERENCE | | | Sun Valley, ID |
| July 27-30 | ASSN. OF GOVERNMENT ATTORNEYS IN CAPITOL LITIGATION <i>Perhaps the best annual training for prosecutors handling a capitol case</i> | | | New Orleans, LA |
| Aug - Sept | DEMYSTIFYING SMART DEVICES | | | Location Pending |
| September 26-30 | STRATEGIES FOR JUSTICE <i>Advanced Investigation and Prosecution of Child Abuse and Exploitation</i> | Summary | Register | Denver, CO |

* For a course description, click on the “[Summary](#)” link after the course title. If an agenda has been posted there will also be an “[Agenda](#)” link. Registration for all NDAA courses is now on-line. To register for a course, click on the “[Register](#)” link. If there are no “[Summary](#)” or “[Register](#)” links, that information has not yet been posted on the NDAA website.