

NDA Newsclips 1/27/11

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Articles

The Denver Post

Colorado Public Defenders' Workload Growing Even Though Criminal Filings Have Fallen

Despite steep drops in criminal filings, attorneys for the state's poorest defendants anticipate their highest-ever caseload by the end of the fiscal year.

State Public Defender Doug Wilson expects to break the 100,000 mark in new cases by the end of June, and he attributes the bump in the number of indigent defendants to the downturned economy.

He said growing caseloads have exacerbated other long-standing staffing and pay problems plaguing his office.

At risk is the quality of time Wilson said his staff can give to any individual case.

"Somebody before may have been able to hire private counsel on a misdemeanor. They're no longer able to do that, because they don't have a job," Wilson said. "When caseloads are high, it becomes substantially more difficult to provide that service."

Public defenders provide constitutionally mandated representation to defendants who establish that they can't afford their own lawyers.

Since the start of the economic downturn in 2008, prosecutors have filed about 20 percent fewer felony and misdemeanor cases as the number of crimes committed decreased, but

public defenders are being called upon to represent a larger percentage of those defendants.

Tom Raynes, head of the Colorado District Attorneys' Council, said it's not just public defenders but the entire judicial system that's struggling, pointing out that the 21st Judicial District in Mesa County recently laid off all its criminal investigators.

http://www.denverpost.com/news/ci_17210847

The News Journal

Delaware Drug Law Legislation Clears House Panel

Legislation that would rewrite Delaware's drug laws, do away with some minimum-mandatory sentences, but stiffen other penalties, passed a key hurdle Wednesday.

The House Judiciary Committee voted unanimously to release House Bill 19 for action by the full House. Its sponsor, Rep. Melanie George, said she will seek to have the House act on the bill today — the last session day before the six-week Joint Finance Committee break.

George, D-Bear, said she believes there are sufficient House votes to pass the bill — but a vote today could hinge on road conditions. House Speaker Robert F. Gilligan said he planned on speaking with other officials around 5 a.m. this morning to determine whether he will cancel the session.

George's bill would repeal what Deputy Attorney General Richard Andrews, who helped craft the bill, called a "patchwork" of drug laws that have been enacted over the years.

<http://www.delawareonline.com/article/20110127/NEWS02/101270328/1007/Drug-law-legislation-clears-panel>

Atlanta Journal-Constitution

Court Challenge Predicted For Arizona-Style Bill Aimed At Illegal Immigration

Peachtree City lawmaker is proposing bill in Georgia

Georgia will almost certainly be forced to defend itself in court if it enacts an Arizona-style bill a Republican lawmaker filed Wednesday to curb illegal immigration here, legal experts predicted.

Meanwhile, a spokesman for Gov. Nathan Deal indicated that while the governor campaigned on bringing an Arizona-type law to Georgia, he also wants to avoid a court

battle. Deal would support expanding an existing federal immigration enforcement program called 287(g) in Georgia, his spokesman said.

On Wednesday, Charles Kuck, an Atlanta-area immigration attorney and past president of the American Immigration Lawyers Association, said Rep. Matt Ramsey's bill is unconstitutional. Kuck predicted the federal government would sue to block it if it becomes law.

"Absolutely, there will be a court challenge on that language," Kuck said. "This is no less unconstitutional than the Arizona statute."

Ramsey, of Peachtree City, said he was aware of the legal concerns surrounding the issue and that his bill has been carefully crafted so that it would apply only to "criminal suspects" stopped by police.

<http://www.ajc.com/news/georgia-politics-elections/court-challenge-predicted-for-816347.html>

Honolulu Star-Bulletin

Bill Would Disregard Intent In Second-Degree Murders

A murder defendant could no longer escape conviction by convincing a jury that he or she intended only to injure another person under a bill pushed by state Attorney General David Louie and other law enforcement leaders.

The second-degree murder statute now requires prosecutors to prove an intent to kill someone to gain a conviction.

Louie said the bill would fix what prosecutors contend is a glaring loophole.

http://www.staradvertiser.com/news/hawaii/news/20110127_bill_would_disregard_intent_in_second-degree_murders.html

Honolulu Star-Bulletin

Judiciary Asks For \$16 Million To End Furloughs

Chief Justice Mark Recktenwald is asking state lawmakers to approve a judiciary budget that includes \$16.2 million to end the two-days-a-month furloughs for about 1,800 court workers on July 1.

In his first state of the judiciary address to the state Legislature, the head of the state's third branch of government also urged support for \$12 million in the judiciary's capital

improvement budget to purchase land and design a court complex in Kona on the Big Island.

State lawmakers appeared sympathetic, but indicated it's too early to say whether they can go along with his proposals when the state faces an \$844 million budget deficit.

http://www.staradvertiser.com/news/hawaii/news/20110127_judiciary_asks_for_16_million_to_end_furloughs.html

Chicago Sun-Times

Lawmaker Wants Freed Murderers To Register On Public Database

After serving about half of a 24-year prison sentence for strangling his ex-girlfriend, Justin Boulay has begun a new life in Hawaii with the woman he married while locked up.

But if state Rep. Dennis Reboletti (R-Elmhurst) gets his way, Boulay won't be able to simply "sneak back" into civilian life — he'll have his name and photograph in a public database of convicted murderers and have to notify authorities every time he moves.

"It's going to serve as a deterrent, as a watchful eye," Reboletti said of the bill he filed Tuesday.

<http://www.suntimes.com/news/metro/3490730-418/boulay-database-convicted-reboletti-murderers.html>

The Boston Globe

AG Forms Units To Tackle Public Corruption, Financial Fraud Timing is critical as DAs face cuts in budgets, she says

Amid a series of high-profile public corruption cases, Attorney General Martha Coakley said yesterday that she is expanding her fraud and corruption division to include units dedicated to government and white-collar crimes.

The Public Integrity Division will focus on public corruption, while a Fraud and Financial Crimes Division will concentrate on advanced financial and computer crimes.

Coakley said she will not add staff, because of state budget cuts, but will reorganize her office to reflect the focus on the new investigative units with more than a dozen prosecutors and investigators.

A former organized crime prosecutor, Coakley said her office has long pursued corruption, having prosecuted more than 40 cases over the past four years. But the new units will make it a focus following a string of high-profile cases, including the federal indictment of a former House speaker, Salvatore DiMasi, and the convictions of a state senator, Dianne Wilkerson, and a Boston city councilor, Chuck Turner. Wilkerson has since resigned, and Turner was forced off the council.

http://www.boston.com/news/local/massachusetts/articles/2011/01/27/ag_forms_units_to_tackle_public_corruption_financial_fraud/

The Detroit News

Report Recommends Michigan Court System Overhaul

A lawyers' task force on Wednesday issued a report urging a systemwide overhaul that includes reducing the number of judges, consolidating and modernizing court operations.

The report echoes a call for deep cuts in the state's court system issued this month by the Michigan Supreme Court's new chief justice, Robert Young Jr.

The Michigan Bar Association's "Judicial Cross Roads Task Force" concluded the state's financial situation is dire and changes must be made to streamline a system of courts in 83 counties statewide that was designed for "19th-century realities."

"Our patchwork quilt of overlapping responsibilities, funding and reporting too often results in duplication of effort and costs, widely disparate workloads and confusion," according to the report released Wednesday by the 29-member task force led by former Oakland County Judge Barry Howard and former State Bar President Edward Pappas.

The report acknowledges some proposals could cost millions, but will lead to larger savings in the years to come.

Recommendations include: Eliminating judge positions through retirement, death, and term limits where population and caseloads have declined.

Implementing a standardized statewide computer case-management system.

<http://detnews.com/article/20110127/POLITICS02/101270370/1409/METRO/Report-recommends-Michigan-court-system-overhaul>

Brainerd Daily Dispatch

Minn. Bill Would Put More Sex Offenders Online

A House public safety panel considers a bill Thursday that would let the public look up more sex offenders and other predators online.

The bill from GOP Rep. Tony Cornish would expand a state website that currently lists predatory offenders deemed at high risk of committing new crimes. It would add those considered at moderate risk of reoffending.

The Department of Corrections website posts names, mug shots, criminal history and locations for high-risk predatory offenders released from prison or other institutions.

<http://ap.brainerddispatch.com/pstories/state/mn/20110127/776930134.shtml>

Kansas City Star

Missouri Tops National List Of Black Homicide Rate, Study Shows

The rate of black homicides in Missouri is once again the highest in the country, according to a national report released Wednesday.

It's the second time in four years that Missouri has topped the annual study of victims compiled by the Violence Policy Center in Washington, D.C., using FBI statistics.

This year's study found that Missouri's black homicide rate was 39.90 per 100,000 people in 2008, the most recent year with data available. Pennsylvania, which topped the list the last two years, was second with a rate of 31.05 per 100,000.

Missouri also topped the list in 2008, when study authors used data from 2005.

<http://www.kansascity.com/2011/01/26/2613074/missouri-tops-national-list-of.html>

Lincoln Journal Star

Nebraska Bought Enough Lethal Injection Drug For 166 Executions

The Nebraska Department of Correctional Services recently bought such a large quantity of a drug used to kill death-row inmates by lethal injection that it now has enough to carry out 166 executions — even though it has just 12 men on death row.

The state paid \$2,056 to Kayem Pharmaceutical Pvt. Ltd. for 500 grams of sodium thiopental from a pharmaceuticals company in India. Corrections spokeswoman Dawn-Renee Smith said that was the minimum amount the company would sell.

There has been a shortage of the drug, which is said to cause unconsciousness in less than a minute, since last year. And the only U.S. manufacturer of the drug, Hospira Inc., said it is ending production because of death-penalty opposition overseas.

Mark Caverly of the U.S. Drug Enforcement Administration said states can give or sell doses of the drug to other states for use in executions, as long as they are both registered with the DEA and the drug was properly imported.

http://journalstar.com/news/unicameral/article_86251a06-0d0c-53c6-9b4d-7d4cf1665f54.html

The Tennessean

484 Tennessee Kids Placed In State Custody After Meth Busts Last Year

In a record year for meth lab busts in Tennessee, authorities say the illegal drug-making hurt a substantially higher number of children in 2010, including 484 who were placed in state protective custody.

State Department of Children's Services records showed that the 484 children taken into protective custody in meth-related cases compares with 288 for the year before. That total doesn't include meth-affected children who were placed in the custody of a parent not involved in the drug-making or placed with other relatives.

Law enforcement officers and child protection workers attribute the increase to more adult drug abusers turning to a faster, cheaper method of making the stimulant by mixing chemicals in plastic soft drink bottles.

<http://www.tennessean.com/article/20110127/NEWS03/101270354/484-Tennessee-kids-placed-state-custody-after-meth-busts-last-year?odyssey=tab|topnews|text|News>

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