

News Roundup

Author : Jeff Welty

Categories : [Uncategorized](#)

Tagged as : [news](#)

Date : January 4, 2013

The New Year is off and running. Yesterday was the day the mandate issued on the *Hest Technologies* video sweepstakes case, which I previously summarized [here](#). That means that law enforcement could begin charging those in violation of the law – but many sweepstakes operators have changed their software in an attempt to comply with (or skirt, depending on your point of view) the requirements of G.S. 14-306.4. I may get into the details in a later post, but for now, check out [this local article](#) chronicling the efforts taken by the Roanoke Rapids theater to adapt to the court decision, and [this one](#) noting that officers deemed just two of 13 sweepstakes operations in Jacksonville out of compliance with the statute. Folks who want to know more about video sweepstakes and the criminal law, zoning, and property tax issues they present may be interested in [this School of Government webinar](#). I'll be presenting the criminal law portion.

In other news:

1. Governor Perdue has been busy in her last days in office. She pardoned the Wilmington 10, a group of civil rights activists once convicted of firebombing a grocery store. CNN has the story [here](#). And she made several judicial appointments, including appointing her chief counsel, Mark Davis, to the court of appeals. Her press release is [here](#).
2. The General Assembly will soon be in session and the Durham legislative delegation may be seeking an amendment to the pretrial release statutes to provide for the detention without bond of certain defendants charged with gun offenses. The *Durham News* has the story [here](#).
3. Speaking of guns, firearm sales appear to be at a record high. Reuters reports [here](#) that “[t]he number of FBI background checks required for Americans buying guns set a record in December, indicating that more people may purchase one after the Connecticut school massacre stirred interest in self-defense and prompted renewed talk of limits on firearms.”
4. I've noted before that the crime rate has been falling for decades and is near record lows. There's no agreement about why. I have a few thoughts, but one explanation I hadn't previously considered is presented in [this Mother Jones article](#): the reduction in environmental lead exposure that resulted from the adoption of unleaded gasoline. Interesting stuff.
5. Much lower crime has coincided, in the last two years, with small reductions in the prison population. It fell about 1% in 2011, according to [just-released federal data](#). Hey, they're only a year behind.
6. The prison population may fall further as a result of *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc), which I previously discussed [here](#). In brief, the Fourth Circuit ruled that certain crimes classified by North Carolina as felonies are actually misdemeanors for federal purposes. Therefore, some federal inmates convicted of, for example, being a felon in possession of a firearm may have been wrongly convicted from the point of view of current law. The *USA Today* has an updated story [here](#), stating that “[a] U.S. Justice Department review has identified at least 175 federal prisoners who must be released or resentenced” as a result of *Simmons*.
7. Finally, some local good news: the Chatham County Justice Center is open for business. It's a high tech new courthouse, as discussed in the [Chapel Hill News](#). May much justice be done there.