

News Roundup

Author : Jamie Markham

Categories : [Uncategorized](#)

Tagged as : [dogs](#), [home leaves](#), [justice reinvestment](#), [news roundup](#), [zero wing](#)

Date : July 12, 2013

Jeff is away from the office today so he entrusted me with the keys to the blog. I briefly considered filling this post with a series of hilarious 6-second Vines of my kids, but ultimately decided to stick with the traditional roundup of the week's criminal law news. (What's a Vine? See [here](#). Or just ask the nearest teenager.)

Zimmerman trial. You don't have to read this blog to know that the George Zimmerman trial is winding down. I won't even include a hyperlink—most any media outlet will do. The big issue yesterday was what lesser charges would be submitted to the jury in addition to the main second-degree murder charge. The judge agreed to instruct on manslaughter but not on "third-degree murder," a [Florida crime](#) defined (roughly) as an unintentional killing during the perpetration of a non-violent felony. Closing arguments are underway.

Police officers shooting dogs. A California police officer recently shot a dog that lunged at officers who were arresting its owner. The incident was captured on a widely-circulated (and very graphic) video that caused public outcry—apparently including death threats against the officers involved. A subsequent video, also available online, paints a more complete picture, showing the officers' defensive posture before shooting the large Rottweiler. The incident prompted [this column](#) calling for revisions to state law and police policy to allow officers to use lethal force against companion animals only as a last resort. Situations like this are more common than I realized; the column cites Justice Department data indicating that "the majority of (police) shooting incidents involve animals, most frequently dogs." In my own limited experience working with law enforcement and military police, officers appeared to be exceptionally well trained when it came to interactions with animals. But there is always room for reflection and improvement. More generally, I am intrigued by the way harm to animals can sometimes generate a stronger public response than harm to humans.

Home leaves. The state Department of Public Safety has reportedly made changes to its home leave policy after it came to light that inmates serving time for murder and other serious crimes were allowed to participate in the program. The revised policy doesn't appear to be online yet (prison policies are generally available [here](#)), but according to [media reports](#) it will institute new victim notice rules and exclude sex offenders and life-sentenced inmates who don't already have a parole date.

Justice Reinvestment update. [This story](#) from the *News & Observer* gives a nice update on the state of affairs in the criminal justice system after the Justice Reinvestment Act. In short, the prison population has dipped sharply from a high of nearly 42,000 inmates in 2009 to around 37,500 today, its lowest level in over five years. Additional prisons will be closed in response (how many and which ones varies depending on whose proposed budget you look at), and legislators are considering what to do with the savings. Corrections officials are, of course, asking that the money be "reinvested" in community-based supervision and treatment initiatives within their department.

"All your base are belong to us." Most people who recognize that awkwardly translated phrase from the old Sega video game *Zero Wing* . . . probably aren't reading this blog. But some of you may (like me) enjoy [this article](#) on legal blog Above the Law about Mark Yohalem, a federal prosecutor and former Supreme Court clerk who moonlights as a video game writer. Unlike the writers of *Zero Wing*, Yohalem brings lawyerly attention—a "neurotic attitude," as he put it—to every word in the games he writes. He also incorporates legal concepts and LSAT-style logic puzzles into his

games according to a recent profile in the [Harvard Law Bulletin](#). Mr. Yohalem makes the more general point that one of the best ways to improve your legal writing is to do more non-legal creative writing. Excellent advice, I think, as good advocacy is so often a matter of good storytelling.

Have a good weekend.