

News Roundup

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Another North Carolina case is headed to the Supreme Court. The latest grant of certiorari is in *Heien v. North Carolina*, the burned-out brake light case in which the state supreme court ruled that an investigative stop may be based on an officer's mistake of law, so long as the mistake is reasonable. The decision put North Carolina on the minority end of a split of authority. The question on which certiorari was granted is: Whether a police officer's mistake of law can provide the individualized suspicion that the Fourth Amendment requires to justify a traffic stop. The order granting certiorari is [here](#). The docket sheet is [here](#). Supreme Court frequent flyer Jeffrey Fisher of Stanford Law will be representing Heien. Thanks to a helpful reader for pointing me to the order.

In other news:

Speaking of the Supreme Court . . . the Court issued its opinion in *Paroline v. United States*, the child pornography restitution case. Recall that the defendant in that case was convicted of possessing images of "Amy," an adult who was raped on camera at age eight, and was ordered to pay restitution of \$3.4 million. That was the full amount of her losses – including counseling costs and the like – though the "Amy" pictures are widely distributed and the defendant's individual contribution to her losses was neither large nor precisely measurable. The Court reversed, finding the amount excessive. It said that the proper amount would not be "severe," but would be "reasonable" and not "nominal." Well, that should clear everything up! Sentencing Law & Policy has more [here](#); "Amy" comments on the decision [here](#); and one of her lawyers wrote [this](#).

Cheating store clerks rip off lottery winners. WRAL has [this story](#) up about convenience store clerks who rip off customers by telling them that none of the tickets the customers present to the clerks are winners even when some are. The lottery has undertaken a "player protection campaign" involving undercover officers to ferret out such crimes.

New presidential clemency initiative. The Obama administration has announced that it is affirmatively seeking out clemency candidates, generally low-level federal inmates serving sentences longer than would be permitted under current law. That appears to mean drug offenders for the most part, though perhaps other groups may be covered as well. (Comments invited on that front.) The precise scope of the new initiative isn't known but the pardon office is staffing up to handle it, so it likely won't be small. A detailed story about the new initiative is [here](#).

Troublesome tattoo tales, take two. Last week, I noted a defendant with extensive facial tattoos to which some jurors might react negatively. This week, the *Washington Times* ran [this story](#) – complete with a picture – about a Kansas defendant charged with murder who has the word "murder" tattooed in incredibly large letters on his neck. Assuming he's indigent, he's probably entitled to a turtleneck at state expense – just basic white, though, not an artsy black one like Steve Jobs used to wear.

Pants in the courtroom? Think controversies about pants in the courtroom are just for women in conservative jurisdictions? Nope. Check out [this story](#) about a lawyer who says a judge discriminated against him for *not* wearing pants. There's a medical issue involved and based on the story, it sounds like the equities favor the lawyer.