

News Roundup

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This week saw several interesting developments at the United States Supreme Court, plus the videotaped arrest of a public defender in the hallway of a courthouse.

Supreme Court takes up another method-of-execution case. As the *USA Today* discusses [here](#), the Supreme Court has agreed to hear a case from Oklahoma challenging the use of the sedative midazolam as an ingredient in the cocktail of drugs used in executions. Four death row inmates were plaintiffs, but one was just executed, leaving three more to carry the case forward. States have started using a wide variety of drugs for lethal injection, so it strikes me as unlikely that the decision in this case will resolve most method-of-execution claims one way or the other.

Supreme Court's *Miller* retroactivity case disappears. As one case joins the Court's docket, another falls away. The Court had agreed to review a New Orleans case that presented the issue of whether *Miller v. Alabama* (no automatic LWOP for juvenile murderers) applies retroactively. But a local innocence project and the prosecutor's office have allowed the petitioner in that case to re-plead to lesser charges, resulting in his release and mooting the case. It's probably too late for the Court to pick another *Miller* retroactivity case this Term, but I imagine that the matter will crop up again next Term.

Sledge exonerated. As noted in last week's roundup, there was a hearing last Friday regarding the innocence claim of Joseph Sledge, convicted four decades ago of a double murder during a prison escape. At the hearing, the State acknowledged Sledge's innocence, and he is now a free man. WRAL has the story [here](#). The work of the North Carolina Innocence Inquiry Commission receives some positive attention [here](#) on Sentencing Law & Policy.

WRAL digs into forfeiture. I blogged [here](#) about recent changes to the federal Equitable Sharing forfeiture program. WRAL has [an article up today discussing the program](#), the recent reforms, and quantifying how much money various law enforcement agencies have received under the program.

School of Government launches civil blog. Readers interested in civil matters should check out a new School of Government offering just launched by several of my colleagues. Their announcement states:

In direct response to the popularity of the Criminal law blog, faculty at the School of Government have created *On the Civil Side*, a blog focused on issues of interest to court personnel and lawyers working in a variety of civil court proceedings, including general civil district and superior court, domestic relations matters, juvenile cases, small claims court, and hearings before clerks.

Regular contributors will include Cheryl Howell (family law), Sara DePasquale (child welfare law); Ann Anderson (civil procedure); Meredith Smith (hearings before the Clerk of Court); LaToya Powell (juvenile justice); Austine Long (indigent defense civil matters); and Dona Lewandowski (small claims law).

Here's the link. Check it out.

<http://civil.sog.unc.edu/>

Finally, the video: public defender arrested in the hallway of a courthouse. Above the Law has a story [here](#), with video, about the arrest of a San Francisco public defender in a courthouse hallway when she objected to officers taking pictures of her client as the client stood outside a courtroom. The story takes the point of view that the arrest was unjustified. However, the story appears to contain both factual errors (it asserts that the client was “being questioned in the hallway” but the video strongly suggests that the officer was just taking pictures of the client) and legal errors (it states that “police can’t go around questioning a guy that they know to be represented outside the presence of his lawyer,” but that’s incorrect under [Montejo v. Louisiana](#)). Even so, the ultimate conclusion of the story seems right. I just don’t see how the lawyer’s conduct could possibly constitute the California equivalent of R/D/O or obstructing justice. She doesn’t get in the way of the camera, she just calmly tells the officer that she doesn’t want pictures taken. And when threatened with arrest, she could not be less disruptive. So I think the arrest was not just heavy-handed and unnecessary, but actually unlawful. Anyone see it differently?