

News Roundup

Author : Jeff Welty

Categories : [Uncategorized](#)

Tagged as : [news](#)

Date : January 14, 2011

There have been a number of interesting stories in the news this week.

1. The national focus has been on Tucson, Arizona, where Jared Loughner is being [held without bail](#) on federal charges related to the shooting of Congresswoman Gabrielle Giffords and the killing of federal district court judge John Roll, among others. There are some interesting legal issues in this tragic case. For example, because one of the victims was a federal judge, all of the federal district court judges in Arizona have recused themselves. The case has been [assigned to judge Larry Burns](#), in San Diego. I imagine that Judge Burns knew Judge Roll, at least casually, through judicial conferences and the like. That may not rise to the level of a conflict of interest, but it is certainly unusual for the judge in a (potentially) capital case to be personally acquainted with one of the victims. Also noteworthy is the fact that Judy Clarke has been appointed to represent Loughner. A flattering profile of Clarke is [here](#); she has represented, among others, Ted Kaczynski, Eric Rudolph, Susan Smith, and Zacarais Moussaoui. Representing Loughner looks to be equally challenging. Mental health issues appear likely to be at the center of any defense, and the *New York Times* discusses some of what's publicly known about those issues [here](#). Finally, the Pima County District Attorney, Barbara LaWall, is [reportedly](#) "still researching whether state and federal cases could proceed concurrently or whether her office would wait until federal prosecutors had finished their case" to bring state charges. I'm not aware of there being much to research from a legal standpoint: the state and federal governments are separate sovereigns and my proceed simultaneously, as demonstrated locally by the concurrent state and federal prosecutions in the Eve Carson case. But perhaps the concerns are practical rather than legal. It might indeed be difficult to move a state prosecution forward during a federal prosecution that has been shifted to another state and several hundred miles away.

2. Locally, there have been some developments regarding reforms at the SBI. The [News and Observer indicates](#) that "Duane Deaver, the SBI agent and analyst who has been the public face of problems at the State Bureau of Investigation, has been fired." Deaver's lawyers describe the firing as "political." Meanwhile, former Wake County District Court Judge Vince Rozier has been [hired as an SBI ombudsman](#), whose responsibilities will include "fielding the public's complaints about the SBI." The *News and Observer's* overview of current developments at the SBI -- a front-page story today -- is [here](#).

3. [WRAL recently reported](#) that the Wake County pilot implementation of CJLEADS (Criminal Justice Law Enforcement Automated Data Services) has been a success. It describes CJLEADS -- which was created in the aftermath of Eve Carson's death -- as a system that

draws data from across the criminal justice system [editor's note: I believe that it includes, for example, probation records, AOC case information, and information from DCI] and presents the information to users in an easy-to-understand, interactive and customizable interface that allows them easier access to information they need to make informed decisions. It also allows users to set up watch lists and receive notifications when specified offenders' records change. For example, probation-parole officers would be alerted if offenders they are tracking are charged with crimes anywhere in the state.

The system will be rolled out across the state eventually.

4. Stories worth a brief mention include (a) [this New York Times piece](#) questioning whether law school is worth the cost, (b) [this Wall Street Journal Law Blog entry](#) about the difficulty in prosecuting a defendant who, although apparently arrested with two pounds of cocaine in his car, "has no ability to hear or speak or read," in any language, and (c) [this article](#) about former professional football player Lawrence Taylor, who pleaded guilty yesterday to having sex with a 16-year-old prostitute and received a probationary sentence.