



News Roundup

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Categories : [Uncategorized](#)

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Date : May 6, 2011

At least here in the Triangle, [the headlines today](#) are all about the Wake County conviction of Bradley Cooper for killing his wife, Nancy. I haven't followed the trial closely, but I will follow the appeal with interest, because the defense has made clear that the trial judge's exclusion of the defendant's proposed expert witnesses on computer forensics will be the centerpiece of the appeal. (Defense counsel asserted after the trial that "had the jury been permitted to hear the testimony of our computer experts [who would have contested damaging evidence that the police extracted from the defendant's computer] the verdict likely would have been different," and expressed an eagerness to seek review.) The admissibility of expert testimony on computer forensics is an issue of particular interest to me, and it's an area in which we don't currently have specific case law. In other news:

1. The General Assembly keeps rolling along. It has enacted [S.L. 2011-60](#), Ethen's Law, which creates several new offenses concerning unborn children; is making considerable headway on [H 483](#), which would expand the category of crimes for which an arrest requires the taking of a DNA sample (the *News and Observer* reports briefly on the bill [here](#)); and also appears to be smiling on [S 105](#), which would make most second-degree murders Class B1 felonies. Stay tuned.
2. Of course, the main focus of the legislature is the budget. And while the House's proposed budget cuts funding to some extent for almost every state agency and institution, there is a growing media focus on the budget's impact on funding for indigent defense. The *News and Observer* reports [here](#) that the budget would cut about \$11 million from the indigent defense budget, despite an expected increase in case load. The Office of Indigent Defense Services has suggested that the hourly rate for non-capital indigent defense may be reduced from \$75 to as little as \$50, though no final determination has been made. Apparently, a significant number of lawyers have withdrawn from court appointed lists, including particularly large numbers in Alamance and Bladen Counties. An interesting video news story from Alamance County is [here](#).
3. There's a lot going on nationally, too. In [Mississippi](#), the courts have found that internet "sweepstakes" businesses violate the state's prohibition on slot machines. In [Oklahoma](#), a defendant sucker-punched a prosecutor, who then put the defendant in the hospital. Talk about tough on crime. In [Washington](#), former Justice Stevens urged Congress to make it easier for defendants who are subjected to prosecutorial misconduct to sue civilly. In [New Mexico](#), a sex offender has been charged with failing to notify authorities that he had moved . . . out of a dumpster.
4. There's been considerable controversy lately about some of the tactics that law schools seem to have used to "game" the *U.S. News* rankings. The *New York Times* recently [claimed](#) that law schools lure large numbers of students to enroll by awarding merit scholarships while imposing GPA requirements on the renewal of the scholarships that effectively guarantee that many students will lose financial support after the first year. As noted previously on this blog, the *Times* has [also claimed](#) that law schools falsely inflate the data that they submit regarding their graduates' employment prospects.
5. Finally, on the lighter side, in [Charleston, South Carolina](#), "[p]olice arrested a 41-year-old man . . . after he called 911 and told officers that he was not given the correct change after buying crack cocaine from a drug dealer." And it probably isn't a good sign when a [court describes your written submissions](#) as "vague, ambiguous, unintelligible,

verbose and repetitive." Readers have said most of those things about this blog over the years, but fortunately, you don't have the authority to sanction us.