

May Newsletter: Case News, Staff Honors, Civics Day, Intern Achievements

Case News

Double Jeopardy Habeas Victory

Research and Writing Attorney Alan Zarky and AFD Jesse Cantor were successful in getting a writ of habeas corpus issued, in order to protect their client's rights under the Double Jeopardy Clause. The writ prohibits Snohomish County Court from proceeding with sentencing our client on felony charges.

Judge Pechman found that the jury's failure to reach a verdict in a previous trial, before convicting the client of a lesser charge, prevented retrial on that count after the conviction on the lesser charge had been reversed. The Washington Supreme Court has upheld retrial in these circumstances, but the Ninth Circuit has held that these circumstances constitute an "implied acquittal." This is the fourth time that the Ninth Circuit and courts in the Western District have ordered state courts not to proceed against defendants under the "implied acquittal" doctrine, all of them handled by this office. The attorneys had fine assistance from senior legal assistant Alma Coria and paralegal Janet Stanton.

Staunch Legal Advocacy Saves Client Four Extra Years

Seattle AFDs Greg Murphy and Vanessa Pai-Thompson successfully argued that their client's prior conviction could not be used to trigger a ten-year mandatory minimum penalty for possession of child pornography. The client ultimately received a six-year sentence. Paralegal Janet Stanton assisted on the case.

Staff Honors

AFD Ashwin Cattamanchi was selected as one of two attorneys to participate in the newly created National Federal Public Defender Capital Fellowship program. He will move to San Diego, where he will be employed by the Federal Defenders of San Diego during this 18 to 24 month fellowship. He will work directly and full-time with select capital trial teams around the country and in regular and close consultation with the Capital Resource Counsel to learn about capital defense work. Fellows will engage in direct representation of at least one capital client, provide assistance and case consultation on other cases, and develop pleadings and related litigation resources to be utilized in the training and consulting efforts. Congrats Ashwin!

Patricia Stordeur was awarded the Outstanding Federal Defender Paralegal Award for 2018. Yearly, the National Association of Federal Defenders requests nominations and then selects two paralegals and two investigators to receive the Outstanding Federal Paralegal and Investigator Award. This year Patricia, who has been a paralegal in our

Seattle office since May 2005, was the recipient of this prestigious award. Congrats Patricia!

Community Engagement: Civics Day

AFDs Kyana Givens and Vanessa Pai-Thompson co-organized 2018 Civics Day with local community partners. AFDs Jesse Cantor, Dennis Carroll, Vicki Lai, and Jennifer Wellman also volunteered, along with investigator Stacey Brownstein and intern Olivia Corti.

Civics Day was started in 2016 by Twyla Carter, a former public defender, in partnership with the Kent School District (KSD), Curriculum and Instruction Division, for KSD high school students.¹ KSD is committed to all students having equal access to quality staff, courses, activities, services, and resources based on their individual needs. Civics Day is a great way for students to learn about civics, how it applies in the real world, and how it applies to their lives.

In 2017 Civics Day was expanded to the Renton School District. By 2018 the founder of Civics Day left her position in the King County public defender system and moved to her current position with the ACLU national office in New York. Through AFD Kyana Givens, Ms. Carter asked if the Federal Public Defender's Office (FPD) would step into the role of co-organizer of Civics Day for Kent and Renton high school students. After Federal Defender Mike Filipovic discussed the project with Ms. Carter, the FPD agreed to co-organize Civics Day 2018 for five local high schools in the Kent School District. This partnership for 2018 is consistent with the FPD's historical commitment to community engagement by providing speakers at various school events, and participation in court or other bar-related events, focused on high school students. Because the students may one day become voters and participants as jurors when called upon to serve, it is important for them to have a basic understanding of how civics education affects them and their communities.

Civics Day offers students the opportunity to participate in sessions that include proactive community involvement, and it is one example of a responsive approach in KSD classrooms to align with the district's core values of Equity, Excellence, and Community.

Civics Day includes partnerships with multiple local agencies: the Federal Public Defender's Office, King County Public Defender's Office, King County Sheriff's Office, King County Prosecuting Attorney's Office, King County Superior Court and District

¹ One of Washington State's largest and most diverse school districts, KSD serves seven separate municipalities spread over 70 square miles of south King County. The 42 schools boast of award-winning instruction and welcoming learning environments for approximately 27,000 students from over 100 countries, speaking over 135 languages.

Court judges, and local community partners including the Washington Minority and Justice Commission, criminal defense attorneys, ACLU, and Community Passageways, a nonprofit organization that works directly with youth involved with the criminal justice system.



Figure 1- AFD Kyana Givens and youth from Community Passageway



Figure 2- AFDs Vanessa Pai-Thompson and Dennis Carrol



Figure 3- AFD Vanessa Pai-Thompson and youth from participating high school

Undergrad Intern Achievements

Jacob Walsh interned as an undergraduate with the Seattle office in the summer of 2015. Jacob graduated from WSU in 2016 and worked for one year at the King County District Court Clerk's office while applying for law school. He was accepted at Seattle University and is completing his first year there. Jacob applied for a new fellowship position for the summer of 2018. Four students were selected as Calhoun Family Fellows at Seattle University. In this first summer of the fellowship, they will be working on youth justice issues, including racial disparity and sentencing and the right to effective assistance of counsel. The projects will include supporting defender attorneys' advocacy for juvenile clients at the trial and appellate levels, and possibly advocating for systemic changes. The fellowship is possible thanks to the generosity of Jerry Calhoun and Andrea Wenet and will be supervised by Professor Bob Boruchowitz, Director of The Defender Initiative. Jacob is very grateful for this opportunity and looking forward to the work they will be doing this summer.



Elizabeth Berry, former UW (Winter/Spring 2016/17) undergrad intern, applied to and was accepted at Loyola Law School in Los Angeles. Elizabeth previously interned and volunteered in criminal justice-related settings like the Seattle Municipal Court and the Monroe Correctional Complex, but it was her time at the FPD that secured her decision to pursue law school and a career in criminal defense after graduation. With her keen attention to detail and commitment to social justice, Elizabeth will be an ardent defender.

