

# LibertyWatch

## **A Publication of the Pennsylvania Association of Criminal Defense Lawyers March 2007**

Welcome to

*LibertyWatch*. Katharine R. Allen covered the United States Supreme Court, the U.S. Court of Appeals for the Third Circuit, the Pennsylvania Supreme Court, and the Pennsylvania Superior and Commonwealth Courts for the month of February, 2007. We are necessarily selective in our coverage and no newsletter can substitute for diligent research and innovative analysis. The cases can be found in full at:

[www.aopc.org](http://www.aopc.org). If you prefer NOT to receive

*LibertyWatch* via e-mail, kindly so inform us so that we may delete your e-mail from our records.

## **UNITED STATES SUPREME COURT DECISIONS**

### **Criminal Procedure — Habeas Corpus**

*Lawrence v. Florida*, No. 05-8820. Opinion by Thomas, J., dissenting opinion by Ginsburg, J., 2/20/07.

28 U.S.C. ~ 2244(d)(2) does not toll the one year limitations period for seeking federal *habeas* relief from a state-court judgment during the pendency of a *certiorari* petition in the Supreme Court. The Court rejected appellant's argument that under the Antiterrorism and Effective Death Penalty Act, time spent on Supreme Court *certiorari* petitions, like time spent on state-court appeals, is excludable in tabulating the one year statute of limitations.

## **UNITED STATES COURT OF APPEALS, THIRD CIRCUIT DECISIONS**

### **Criminal Procedure — Sentencing — 18 U.S.C. ~ 3582(a)**

*U.S. v. Manzello*, No. 06-3434. Opinion by Ambro, J., 2/2/07.

A sentence arising from appellant's participation in a counterfeit check cashing scheme is vacated where the sentencing judge violated 18 U.S.C. ~ 3582(a) by sentencing

appellant to 30 months of imprisonment, almost four times longer than the top of the advisory guidelines range, solely because a term of that length was believed necessary to make her eligible for a particular 500-hour drug treatment program.

**Criminal Procedure — Aggravated Assault — Sentencing Guidelines, Burden of Proof**

*U.S. v. Grier* , No. 05-1698. Opinion by Fisher, J., dissenting opinion by Sloviter, J., 2/5/07.

The Court reaffirmed *Booker* [543 U.S. 220 (2005)] holding that facts relevant to the United States Sentencing Guidelines do not implicate the constitutional right of trial by jury and furthered the rationale by holding similarly that the Guidelines will not implicate the constitutional right to proof beyond a reasonable doubt.

**Criminal Procedure — Immigration — Crime of Violence**

*Caroleo v. Gonzales* , No. 05-3762. Opinion by Garth, J. 2/7/07.

Petition for review of a decision denying appellant's motion for a discretionary waiver of removal pursuant to section 212(c) of the Immigration and Nationality Act is denied where appellant's conviction of attempted murder was an aggravated felony — crime of violence — for purposes of section 212(c) relief.

**Criminal Procedure — Sentencing**

*U.S. v. Navarro* , No. 05-4102. Opinion by Fisher, J., dissenting opinion by Bright, J., 2/14/07.

Appellant's sentence for possession of a firearm by a convicted felon and for simple possession of controlled substances affirmed where enhancement under Sentencing Guidelines section 2K2.1(b)(5), which applies when a firearm is possessed in connection with another felony offense, was properly applied when where appellant obtained a prohibited firearm through a drug trade.

**Criminal Procedure — Sentencing**

*U.S. v. Siegel* , No. 05-4537. Opinion by Nygaard, J., 2/16/07.

Appellant's sentence for transmission of child pornography is affirmed where appellant's conviction for indecent assault under Pennsylvania law constituted a crime of violence — within the means of the Sentencing Guidelines.

**Criminal Procedure — Sentencing**

*U.S. v. Vargas* , No. 06-1368. Opinion by Antwerpen, J., 2/16/07 .

Appellant's sentence for illegally reentering the United States after deportation following conviction of an aggravated felony is affirmed where his sentence was reasonable and the district court acted properly in sentencing him.

### **Criminal Procedure — Immigration — Habeas Corpus**

*Jeune, v. Attorney Gen. of U.S.*, No. 05-3103. Opinion by Smith, J., 2/20/07 .

A conviction under 35 Pa. C.S.A. ~ 780-113(a)(30) for the manufacture, delivery, or possession with intent to manufacture or deliver of a controlled substance, without any additional facts, does not constitute an aggravated felony h under the Immigration and Nationality Act.

### **Appellate Procedure — Waiver of Collateral Review — Sentencing**

*U.S. v. Shedrick*, No. 04-2329. Opinion by Ambro, J. 2/28/07 .

Although appellant was sentenced pursuant to a plea agreement which contained a collateral review waiver, the Third Circuit exercised jurisdiction over appellant fs appeal and held that appellant fs claim that counsel was ineffective for failing to advise him on sentencing is without merit; further, although appellant aptly demonstrated counsel was ineffective for failing to file a timely appeal of his upward departing sentence, a hearing on that issue is denied where the claim would not be sustained and appellant fs sentence is affirmed.

## **PENNSYLVANIA SUPREME COURT DECISIONS**

### **Suppression of Statements — Miranda, Conflict of Law — Sentencing, Presumption of Life Instruction, Autopsy Photographs**

*Cmwlth. v. Eichinger*, No. 503 CAP 2006. Opinion by Cappy, J., 2/20/07.

The Court held, *inter alia*: statements made to the arresting officer while in custody in New Jersey do not present a conflict of law for *Miranda* purposes as both Pennsylvania and New Jersey courts are bound to uphold the same protections guaranteed by the Fifth Amendment of the Constitution; the trial court did not err in finding that appellant was not in custody when he gave his first statement to the police; appellant fs later statements were made post-*Miranda* and his waiver was knowing, voluntary and proper; further, although the trial court did not use the exact phrase ppresumption of life, h the penalty phase jury instructions clearly and accurately explained the respective burdens of proof and the presumption of life to which appellant was entitled; where the murder victims f relatives testified to personal accounts of the effect of the deaths of their loved ones, the testimony was not a broad generalization and was properly allowed; further, the trial court also acted within its discretion in allowing autopsy photographs into evidence in the penalty phase.

### **Ignition Interlock — Habitual Offenders — DUI**

*McGregory v. Cmwlth. et al.* , No. 48 MAP 2005. Opinion by Castille, J., dissenting opinion by Baldwin, J., 2/20/07.

Despite holding provisions of the Ignition Interlock Law unconstitutional in *Cmwlth. v. Mockaitis* [575 Pa. 5 (2003)], the Court found PennDOT had the independent authority to enforce the law because it was in effect at the time of appellee's DUI conviction.

### **Incriminating Statements — Redacted Audiotape — Duress Defense, First Degree Murder — *Lassiter* Instruction**

*Cmwlth. v. Markman* , No. 371 CAP 2006. Opinion by Saylor, J., dissenting opinion by Eakin, J., 2/21/07 .

The trial court committed reversible error by allowing the jury to listen to a redacted audiotape of appellant's co-defendant's statement to the police in which appellant was implicated in the murder; in refusing to instruct the jury on duress as a defense to first degree murder; and in refusing to provide the jury with a *Lassiter* instruction [722 A.2d 657 (1998) holding aggravating circumstance of homicide during the perpetration of the felony of kidnapping is inapplicable to one found guilty to first degree murder as the accomplice but not actual killer.]

### ***Habeas Corpus* — Violation of International Treaty (ICCPR)**

*Cmwlth. v. Judge* , No. 474 CAP 2006. Opinion by Saylor, J., 2/21/07 .

Appellant, a fugitive from a Pennsylvania death sentence, had been deported to the U.S. from Canada after serving armed robbery sentences there. Canada had previously refused to extradite appellant pursuant to the International Covenant for Civil and Political Rights (ICCPR) but determined, contrary to ICCPR rule, that deportation was permissible. The Court held that although appellant was entitled to raise his claim in a petition for writ of *habeas corpus* , his claim that deportation by Canada had violated his human rights under the (ICCPR) is not a justiciable issue for Pennsylvania courts.

### **Statutory Construction — Retroactive Application**

*Cmwlth. v. Estman* , No. 49 WAP 2006. Opinion by Baldwin, J., dissenting opinion by Eakin, J., 2/21/07 .

Where general felony theft charges were dismissed against appellant pursuant to *Lussi* [ 562 Pa. 621 (2000), holding prosecutions under general provisions of a penal code not permitted where special penal provisions available], then refiled after the legislature enacted 42 Pa.C.S. § 9303, (allowing same conduct to violate both general and specific penal statutes) the Superior Court was correct in dismissing the charges and holding that § 9303 may not be applied retroactively.

## **PCRA — Pa.R.Crim.P. 907 —**

### **Batson Claim**

*Cmwlth. v. Davis* , No. 880 EDA 2006. Opinion by Todd, J., 2/1/07.

Regardless of any technical violation of Pa.R.Crim.P. 907, (the court failed to formally issue Rule 907 notice) appellant had actual notice of such as evidenced by his amended petition and response to the Commonwealth's motion to dismiss. Further, appellant's alleged after-discovered evidence of handwritten notes of a lecture allegedly instructing district attorney's how to preempt African American jurors which took place seven years after appellant's trial does not establish that there was discrimination in appellant's trial and may not form the basis of a *Batson* claim. Further, because appellant failed to qualify for an exception to the time requirements of the PCRA, the PCRA court properly dismissed appellant's petition as untimely.

### **Public Access to Sentencing Hearing Letters**

*Cmwlth. v. Martinez, et al.* . No. 724 WDA 2004. Opinion by Panella, J. 2/6/07.

The trial court erred in denying the *Post Gazette* right of access, after sentencing in a criminal case, to letters presented to the sentencing court at sentencing. The Court found that in the absence of countervailing factors or an explanation of the alleged improper motives of the *Post Gazette*'s request for letters presented at sentencing, coupled with the strong common law presumption of a right of access to the letters, the denial of such access was an abuse of discretion.

### **Criminal Procedure — Speedy Trial**

*Cmwlth. v. Selenski* , No. 365 MDA 2006. Opinion by Johnson, J., 2/6/07.

The trial court dismissed two of appellant's charges (escape and weapons or implements for escape), finding the Commonwealth had failed to perfect consolidation of these charges with two of appellant's five pending homicide charges. The Court concluded that the Commonwealth had made an effort to consolidate prior to the expiration of the statutory speedy trial limit, due diligence had been exerted and the trial court erred in dismissing these charges.

### **Criminal Procedure — Joinder**

*Cmwlth. v. Grillo* , No. 66 EDA 2005. Opinion by Klein, J., dissenting opinion by Oriette Melvin, J., 2/6/07.

Adopting the reasoning set forth in *Cmwlth. v. Lane* , 658 A.2d 1353, 1355 (1995), the Court held that where evidence for the charge of receipt of stolen property – found at the same time as appellant was arrested for attempted burglary – was the result of crimes that had occurred months prior, the trial court erred in joining the charges.

### **Juvenile Law — Search & Seizure — School Police Officers**

*In the Interests of R.P., a Minor* , No. 2208 WDA 2005. Opinion by Stevens, J., 2/7/07.

Based on the totality of circumstances, the Court affirmed the trial court's decision to deny appellant's motion to suppress evidence of marijuana found on appellant's person on school property. The Court held that where, as here, school police had probable cause to arrest the juvenile for a misdemeanor of the third degree (disorderly conduct,) they were entitled to search the juvenile incident to the arrest whether or not the officers formally announced they were arresting the juvenile.

### **Probable Cause — Informant Reliability**

*Cmwlth. v. Dukeman* , No. 888 MDA 2005. Opinion by Panella, J., 2/6/07.

Where two informants provided independent corroborating information as to the presence and sale of drugs as well as a specific familiarity of appellant, any issue of reliability was resolved and the four corners of the affidavit supported probable cause to arrest.

### **Criminal Procedure — Rule 1925**

*Cmwlth. v. Perry* , No. 228 EDA 2005. Opinion by Bender, J., dissenting opinion by McEwen, J., 2/7/07.

Finding all six of appellant's issues of appeal waived, the Court held that in cases in which the Rule 1925 order is served by the courts, requirements for finding waiver will not include the clerk recording of the date and manner of service on the docket where the proof of service is filed. Therefore, the Court reasoned, since appellant's Rule 1925(b) statement was untimely filed and there was sufficient evidence of service, appellant's issues were waived.

### **DUI — Jury Trial — Intermediate Punishment and Restitution — Right to Jury**

*Cmwlth. v. Harriott* , No. 393 MDA 2006. Opinion by Colville, J., 2/8/07.

While Pa.C.S.A. § 1106(a) does not authorize restitution for blood tests in cases without a direct nexus between a defendant's drunk driving and the blood test, here, appellant was sentenced to restitution for the blood tests pursuant to intermediate punishment terms and in appellant's case, where she spit on her arresting officers, causing them to need blood tests, the order was appropriate. Further, no jury trial warranted on appellant's disorderly, harassment and DUI charges. Affirmed.

### **Sufficiency — Indecent Exposure**

*Cmwlth. v. Thiry* , No. 814 WDA 2006. Opinion by Stevens, J. 2/20/07.

Appellant was found by an employee in a fast food drive-through, unconscious in the driver's seat of his car with his penis exposed. Appellant had the requisite *mens rea* for indecent exposure.

### **Search & Seizure — Wiretap and Electronic Surveillance**

*Cmwlth. v. Steward, et al.* , No. 1068 EDA 2006. Opinion by Klein, J., 2/22/07 .

The trial court was in error when it suppressed wiretapped statements based on its finding that the Commonwealth failed to show that traditional means of investigation, etc., had been attempted in violation of 18 Pa.C.S.A. ~ 5709(3) of the Wiretapping and Electronic Surveillance Control Act (the Wiretap Act h.) The Court determined that 18 Pa.C.S.A. ~ 5721.1 of the Wiretap Act limits the availability of suppression as a remedy for non-constitutional violations to six specific grounds of which, the normal investigative procedures requirement is not included.

### **Evidence — Hearsay**

*Cmwlth. v. Hardy* , No.1538 MDA 2005. Opinion by Colville , J., 2/23/07 .

Where an investigating officer testified as to medical information relayed to him by a medical doctor, the testimony was hearsay and inadmissible. However, as the medical doctor later testified about his findings, the hearsay testimony from the officer was merely cumulative of the untainted, properly admitted and substantially similar testimony provided by the doctor and therefore harmless error.

### **Criminal Conspiracy — Double Jeopardy**

*Cmwlth. v. Schmidt* , No. 1826 MDA 2005. Opinion by Popovich, J., 2/23/07.

Using the four-pronged analysis set forth in *Cmwlth. v. Giambara* , 835 A.2d 371 (2003), the Court held the trial court did not err in denying appellant's motion to dismiss the criminal informations for possession and related charges, finding that, despite a temporal relationship, the current and former prosecutions were based on two separate criminal episodes and did not violate 18 Pa.C.S.A. ~ ~ 109, 110 or the Double Jeopardy clause of the United States Constitution.

### **Rule 1925(b) Statement — Waiver**

*Cmwlth. v. Gravely* , No. 2772 EDA 2005. Opinion by Stevens, J., 2/23/07.

Where the trial court ordered appellant to file a Pa.R.A.P. 1925(b) statement which appellant clearly filed more than fourteen days after the trial court entered its order and the record contains neither a petition nor an order for extension of filing, appellant's evidentiary issue for appeal is waived.

### **PCRA — Ineffective Assistance, Fifth Amendment Opening Statement Violation**

*Cmwlth. v. Colavita* , No. 53 EDA 2006. Opinion by Lalle-Green, J., 2/27/07.

Trial counsel was ineffective for failing to object to the many prosecutorial references during opening and closing arguments and cross examination where it was argued that appellant hired counsel prior to being charged and that the jury should take a negative inference from this fact. Further, trial counsel's ineffectiveness was not harmless and it is likely that the jury would have reached a different verdict.

### **Speedy Trial — Notice to Counsel**

*Cmwlth. v. Baird*, No. 721 WDA 2005. Opinion by McCaffery, J., dissenting opinion by Bender, J. 2/28/07.

Where appellee failed to appear for arraignment and trial counsel waived appellant's preliminary hearing and signed notice of arraignment on appellee's behalf, it was error for the trial court to determine appellant had insufficient notice of arraignment and dismiss for the Commonwealth's failure to bring appellee to trial within 365 days of his arrest. The Court determined that although appellee's counsel had filed several continuances due to counsel's inability to appear, where defense counsel has actual notice of a proceeding and fails to so inform his or her client, the onus and consequences of such failure fall on the defendant. h

## **PENNSYLVANIA COMMONWEALTH COURT DECISIONS**

### **Mandamus — Release from Capital Case Detention Units**

*Clark, et al. v. Beard, Secretary of Pa. D.O.C., et al.*, No. 644 C.D. 2006. Opinion by Leavitt, J., dissenting opinion by Friedman, J., 2/13/07.

Appellants, who were being held in the Capital Case Units of the D.O.C. despite their death sentences being vacated, filed a writ of mandamus seeking money damages and release into the general prison population. The Court determined appellants failed to state on claim on which a writ could lie and that their demand to be transferred out of the Capital Case Unit would require the D.O.C. to violate its statutory mandate to hold them there and that appellants failed to establish a protected liberty interest. Finding no ~1 983 claim, the Court granted D.O.C.'s demurrer.

### **Probation and Parole — Technical Parole Violator Hearing**

*Griggs v. Pa. Bd. of Prob. & Parole*, No. 1061 C.D. 2006. Opinion by Jubelier, J., 2/20/06 .

Where appellant's technical violation hearing was held well beyond the 120-day limit prescribed by the Board's own regulations and because of the Board's inability to present its key witness, the time attributable to the Board's efforts to secure the victim's testimony, as evidenced by a subpoena enforcement proceeding, is excluded in time computation and the hearing was effectively held within 118 days of appellant's preliminary hearing.

## **PACDL News and Announcements**

PACDL will hold its Annual Elections on Friday, April 20, 2007 .

Anyone wishing to submit a name for election to our Board of Directors, including their own, should forward the nomination to the PACDL Nominating Sub-Committee, PACDL, 115 State Street , Harrisburg , PA 17101 , e-mail: [pacdl@aol.com](mailto:pacdl@aol.com) or FAX 717-234-7462 no later than April 13, 2007 .

## **Mark Your Calendar**

### ***Sex Offenses*** (6 credit hours)

(General Membership and Board of Directors Meeting at 12:00 p.m. )

Friday, September 21, 2007

Radisson Hotel Valley Forge

1160 First Avenue

King of Prussia , PA 19406

### ***For the Experienced*** (12 credit hours)

General Membership and Board of Directors Meeting on Saturday at 12:15 p.m. )

Friday and Saturday, November 9 & 10, 2007

Philadelphia Convention Center

Philadelphia , PA

**The Pennsylvania Association of Criminal Defense Lawyers and the Public**

**Defender Association of Pennsylvania proudly present their:**

## **2007 JOINT ANNUAL MEETING**

April 19-21, 2007

Hilton Harrisburg

One North Second Street

Harrisburg, PA 17101

## **Tentative Schedule**

**Thursday,  
April 19, 2007**

8:00 a.m. Registration and Continental Breakfast

### **Track 1**

#### **Capital Cases**

#### **Mitigation Series – Youth as a Mitigating Factor**

*Certified for Rule 801 mandatory capital case training*

#### **Presented by**

Robert B. Dunham, Training Director, Philadelphia Defender Association, Capital Habeas Unit

Erin Fennell, Mitigation Specialist, Defender Association of Philadelphia

Dr. Jonathan Mack, Director, Forensic Psychology & Neuropsychology Services, P.C., Hamilton, N.J.

Anne Saunders, Capital Habeas Unit, Federal Public Defender's Office, Middle District of Pennsylvania

Karl D. Schwartz, Capital Trial Unit, Defender Association of Philadelphia

Bernard L. Siegel, Philadelphia

9:00 a.m. – 12:15 p.m. **Update on Developments in Death Penalty Litigation**

- 9:00 - 9:30 a.m. Recent Developments in Capital Law
- 9:30 - 10:15 a.m. Overview of Age in Capital Cases by Robert B. Dunham
- 10:15 - 10:30 a.m. Break
- 10:30 - 11:15 a.m. Summary of the Relevant Law on Jury Selection
- 11:15 - 12:15 a.m. Ethics: The Difficult Client by Anne L. Saunders and Dana Cook
- 12:15 p.m. - 1:30 p.m. B Lunch on your own

**Track 1(a)**  
**Foundations of Death Penalty Litigation**

- 1:30 – 3:30  
Jury Selection (law, social science, actual voir dire techniques)
- 3:30 – 3:45 p.m. break
- 3:45 – 4:45 p.m. Openings and Closings (including front-loading mitigation) by Bernard L. Siegel and Karl D. Schwartz
- 4:50 p.m. **Annual Meeting of the Public Defender Association of Pennsylvania**

**Track 1(b)**  
**Age as a Mitigator: It fs Not Just a Number**

- 1:30 - 1:45 p.m. Overview and Introduction by Anne L. Saunders
- 1:45 - 2:30 p.m. The Brain: What are the Parts; What do the Parts do; and, When do Those Parts Develop by Dr. Jonathan Mack and Anne L. Saunders

- 2:30 - 3:15 p.m. Integrating the Age Mitigator into the Expert Presentation
- (A) Using expert testimony to teach the jury about late-brain development
  - (B) Incorporating the age mitigator into the expert testimony regarding your client
- by Robert B. Dunham and Dr. Jonathan Mack
- 3:15 - 3:30 p.m. Break
- 3:30 - 4:00 p.m. Developing and presenting other evidence supporting the Age Mitigator by Robert B. Dunham, and Anne L. Saunders
- 4:00 - 4:40 p.m. Legal Issues Arising out of the Age Mitigator by Robert B. Dunham
- 4:40 - 4:45 p.m. Closing Remarks by Anne L. Saunders
- 4:50 p.m. **Annual Meeting of the Public Defender Association of Pennsylvania**

## Track 2

- 9:00 a.m. **Predator** **Megan fs Law Update and the Litigation of Sexually Violent**  
**Status** by Karl Baker, Chief, Appellate Division, Defender Association of Philadelphia and Marc Neff, Philadelphia
- 10:00 a.m. **Litigating Certification and Decertification Issues for your Juvenile Offender** by Lynn Kagarise, Ph.D., David Rosen, Chief, Juvenile Special Defense Unit, Defender Association of Philadelphia and Ron Turo, Juvenile Defender, Cumberland County Public Defender fs Office
- 11:00 a.m. Break
- 11:15 a.m. **The Nuts and Bolts of Technology in the Courtroom** by Louis Cinquanto, Philadelphia and Steven G. Laver, Philadelphia
- 12:15 p.m. Lunch (on your own)
- 1:30 p.m. **Pennsylvania Probation and Parole Update** by David R. Crowley, Chief Public Defender of Centre County
- 2:30 p.m. **Hot Topics in Pennsylvania Appellate Practice** by L. Roy Zipris and Ellen McBennett, Defender Association of Philadelphia and Kirk Henderson, Allegheny County Public Defender fs Office
- 3:30 p.m. Break
- 3:45 p.m. **Crawford to Prior** **Addressing Complex Evidentiary Issues: From**  
**Bad Acts** by Professor Leonard N. Sosnov, Widener University School of Law and Marissa Bluestein, Defender Association of Philadelphia
- 4:45 p.m. Seminar Concludes
- 4:50 p.m. **Annual Meeting of the Public Defender Association of Pennsylvania**
- 6:00 – 8:00 p.m. **Reception at Goldberg Katzman, P.C.** - 320 E. Market Street (inside Strawberry Square near the Market Street entrance) – Sponsored by PACDL and Goldberg Katzman, P.C

### Friday, April 20, 2007

- 8:00 a.m. Registration and Continental Breakfast

9:00 a.m. **Search and Seizure Law Update** by David Rudovsky, Kairy Rudovsky  
Messing & Feinberg

10:00 a.m. **Motor Vehicle Law Update** by John B. Mancke, Mancke, Wagner &  
Spreha

11:00 a.m. Break

11:15 a.m. **State and Federal Appellate Update** by Peter Goldberger,  
Ardmore and John W. Packel, Philadelphia

12:15 p.m. Annual Luncheon and Awards (included in your registration)

1:30 p.m. **Pardons and Expungement: Litigating and Pursuing** by John Willis,  
Philadelphia

OR

1:30 p.m. **Collateral Consequences of a Criminal Conviction** by Ellen C.  
Brotman, Montgomery McCracken, Walker & Rhoads, LLP; Efreem M.  
Grail, Reed Smith LLP.; and Jessica Natali, Ballard Spahr Andrews &  
Ingersoll, LLP

2:30 p.m. **Basic Medicine:  
What You Need to Know for Your Homicide and  
Rape Investigations** tba

3:30 p.m. Break

3:45 p.m. **Ethics – Are They Picking on Us?** By Taylor P. Andrews, Chief Public  
Defender of Cumberland County, Joseph M. Cosgrove, Forty Fort and  
Wieslaw T. Niemoczynski, Chief Public Defender of Monroe County

4:45 p.m. Seminar Concludes

4:50 p.m. **Annual Meeting and Elections of the Pennsylvania Association of  
Criminal Defense Lawyers**

**Saturday, April 21, 2007**

9:00 a.m.–12:15 p.m.

**Actual Innocence: Identifying, Litigating and  
Addressing the Issues** by Royce L. Morris and Joshua D. Lock,  
Goldberg Katzman, P.C. and Paul Conway, Chief,

Homicide/Special Defense Unit, Defender Association of  
Philadelphia

**Directions to the Harrisburg Hilton**  
**1 North Second Street**  
**Harrisburg , PA 17101**  
**717-233-6000**

From Philadelphia :

Take PA Turnpike (76) West to EXIT 247 (old exit 19, Harrisburg east). Follow I-283 North to I-83 South. On I-83 South, take EXIT 43 ( 2<sup>nd</sup> Street ).

Follow Second Street to 4<sup>th</sup> traffic light ( Market Street ). Hotel is on the right. For Parking Garage, make a right on Market and an immediate left onto Court Street (alley behind hotel). Before the 2<sup>nd</sup> stop sign make a left into parking garage ramp. (Follow signs for Hilton Guest parking if you are staying overnight at the Hilton)

From Pittsburgh :

Take PA Turnpike (76) East to EXIT 242 (old exit 18, Harrisburg west). Follow I-83 North to EXIT 43 ( Second Street ). Follow Second Street to 4<sup>th</sup> traffic light ( Market Street ). Hotel is on the right. For Parking Garage, make a right on Market and an immediate left onto Court Street (alley behind hotel). Before the 2<sup>nd</sup> stop sign make a left into parking garage ramp. (Follow signs for Hilton Guest parking if you are staying overnight at the Hilton)

For Non-Overnight Guests – Get your ticket stamped by the Hilton to receive a discount on your parking.

## REGISTRATION FORM -- 2007 Annual Meeting

Mail the completed Registration Form with payment no later than April 10, 2007 .

Only prepaid attendees are guaranteed seating. Door registrations are permitted only as space and material are available.

The address is: PACDL, 115 State Street , Harrisburg , PA 17101 .

Telephone 717-234-7403.

Fax 717-234-7462.

**CANCELLATION POLICY** - PACDL must guarantee payment for meals and materials in advance.

There will be no refunds after April 10, 2007 .

If you cannot attend, a colleague may take your place or your materials will be mailed to you.

Cancellations made prior to that date will be subject to a \$50 cancellation fee.

**SCHOLARSHIPS** - There are a limited number of partial scholarships available to assist with the seminar fee for PACDL members whose dues are current.

Hotel charges are not included.

To apply, mail the completed seminar registration form along with a letter requesting financial assistance to PACDL no later than April 10, 2007 .

Scholarship applications received after that date will not be considered.

**LOCATION** - The Hilton Harrisburg is located at 1 N. Second St. , Harrisburg , PA 17101 , in the heart of downtown Harrisburg .

For overnight reservations call 717-233-6000 or 1-800-445-8667.

PACDL has a block of rooms available for \$119 /double or single/night, plus tax.

This block expires on March 19, 2007 .

Please call immediately and reserve your room. You must state you are with the Pa. Assoc. of Criminal Defense Lawyers to receive this rate.

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### **PACDL Members :**

All three days (15 credits)	\$475	
Thursday and Friday (12 credits)		\$425
Thursday and Saturday (9 credits)	\$399	
Friday and Saturday (9 credits)		\$425
Thursday Only (6 credits)	\$299	
Friday Only (6 credits)		\$325
Saturday morning Only (3 credits)	\$225	

### **Public Defenders and PACDL Members in Practice Less than 5 Years:**

All three days (15 credits)	\$425
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Thursday and Friday (12 credits)		\$375
Thursday and Saturday (9 credits)	\$359	
Friday and Saturday (9 credits)		\$369
Thursday Only (6 credits)	\$275	
Friday Only (6 credits)		\$299
Saturday morning Only (3 credits)	\$199	

10% Discount for groups of three or more from the same office  
Please fill out the following portion as well:

\_\_\_\_\_ Desired Number of Credit Hours Reported to the CLE Board at \$1.50 per hour  
\$ \_\_\_\_\_  
(no discount on CLE reporting fees)

\_\_\_\_\_ I would be interested in going out to dinner in Harrisburg with a group on  
Thursday night

**TOTAL REGISTRATION AND CLE REPORTING FEES:** \$ \_\_\_\_\_

Name \_\_\_\_\_ Attorney ID \_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone Number \_\_\_\_\_ FAX \_\_\_\_\_

e-mail: \_\_\_\_\_  
\_\_\_\_\_

Please note any dietary needs or needs related to disabilities

Debra H. McGovern  
Executive Director  
PACDL  
115 State Street  
Harrisburg, PA 17101  
717-234-7403  
FAX 717-234-7462  
e-mail: [pacdl@aol.com](mailto:pacdl@aol.com)