

Friday, April 18, 2008

Some of this week's critical appellate opinions.

Â Â Bill of RightsÂ (From public domain.)Â In addition to my April 17 review of the Supreme Court'sÂ Baze lethal injection case, here is a brief overview of some additional critical criminal appellate decisions from thisÂ week: Â - In *Burgess v. U.S.*, ___ U.S. ___ (April 16, 2008), writing for a unanimous court, Justice Ginsburg affirmatively answered the following question presented: "The question in this case is whether a state drug offense classified as a misdemeanor, but punishable by more than one yearâ€™s imprisonment, is a 'felony drug offense' as that term is used in Â§841(b)(1)(A)."Â - In *Begay v. U.S.* ___ U.S. ___ (April 16, 2008), the United States Supreme Court ruled that "New Mexicoâ€™s crime of 'driving under the influence' falls outside the scope of the Armed Career Criminal Actâ€™s clause (ii) 'violent felony' definition."Â - In *Maryland v. Baby*, ___ Md. ___ (April 16, 2008), Maryland's highest court determined that "post-penetration withdrawal of consent negates initial consent for the purposes of sexual offense crimes and, when coupled with the other elements, may constitute the crime of rape. We also hold, however, that the trial court erred in failing to sufficiently address the juryâ€™s questions on post-penetration withdrawal of consent, and such error was not harmless beyond a reasonable doubt." Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00