



# The Defense Never Rests

A Newsletter for CJA Panel Attorneys  
for the Eastern District of Louisiana

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# HAPPY MARDI GRAS!



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**CLAUDE KELLY GOES  
OUT WITH A BANG**

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In round two of **United States v. Ron E. Thomas**, AFDPD Claude Kelly, once again, struck a TKO. After being held for 9 months awaiting trial and retrial following his first hung jury, a second jury acquitted Ron E. Thomas of being a felon in possession of a firearm. In an unprecedented move, Judge Stanwood Duval reopened the evidence based on a motion for reconsideration, reversing his prior ruling which prohibited a witness from testifying to impeach the government's star witness. After the witness was allowed to testify, the jury returned a verdict of not guilty.

That's the good news. The bad news is that despite every success, Claude Kelly has resigned his position as Assistant Federal Public Defender to pursue business opportunities in Costa Rica. We will certainly miss his excellence and enthusiasm as seen in his wins in **United States v. Kingsley Roberts**, **United States v. Herbert Grant**, and **United States v. Jermaine Robinson**, to name a few. Our loss is Central America's gain. With regrets, we accept his resignation and announce a vacancy for the position of Assistant Federal Public Defender.

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**NEW MEMBER ADDED  
TO THE FPD STAFF**

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The Office of the Federal Public Defender announces the addition of a new staff member, William "Bill" Healy. Bill began on February 18, 2000, as a computer systems administrator/assistant investigator. With the advancement of technology, the Government is providing evidence on CD-rom. Bill's expertise as a computer specialist will be a welcomed asset, not only to our office, but to panel members as well. Bill will be happy to answer any computer questions you may have. Bill recently was responsible for the broadcast fax which enabled us to announce the March 1<sup>st</sup> Satellite Broadcast on very short notice. Soon, we will be able to communicate and forward this newsletter to you through internet e-mail. If you have internet access, please e-mail us at [fpdedla@communique.net](mailto:fpdedla@communique.net) with your address so that we can add you to our address list.

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**WARREN CUNTZ APPOINTED  
BANKRUPTCY CLERK**

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Effective March 27, 2000, Warren Cuntz, the District Court Administrator, will assume his new position as Clerk of the United States Bankruptcy Court. Chief Judge McNamara has requested that all matters previously handled by Mr. Cuntz, or the District Court Administrator, be directed to Ms. Loretta Whyte, Clerk of the United States District Court.

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**FEDERAL JUDICIAL CENTER  
SATELLITE BROADCAST**

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On March 1, 2000, the Federal Judicial Center in conjunction with the United States Sentencing Commission presented a live two hour satellite broadcast which was attended by approximately 15 panel members. Those in attendance reported that the program was very beneficial and that they would be in attendance at the next broadcast scheduled for August 17, 2000. The broadcast was interactive and panel members from the Eastern District of Louisiana submitted departure questions which were specifically answered. We hope to encourage more panel members to participate in the next satellite broadcast. A videotape of the March 1<sup>st</sup> presentation is available in the Federal Public Defender's Office.

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**JUDGE REFUSES TO ACCEPT PLEA  
BARGAIN  
WITH APPEAL WAIVER LANGUAGE**

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Recently, Pat McGinity reported that Judge Carl Barbier refused to accept a plea bargain in which the defendant waived his right to appeal. Judge Barbier has apparently joined Judge Ginger Berrigan in expressing his disapproval of appeal waiver language. As you know, Judge Berrigan only conditionally accepts pleas so as to allow the presentence report to be prepared in advance of accepting the plea. The conditional plea allows the defendant to be made aware of the sentencing guideline range before waiving any appellate rights as to the sentence.

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**NEW CJA PANEL ATTORNEY  
PAYMENT SYSTEM**

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Our panel administrator, Barbara Daigle, recently attended training to implement the new voucher payment software. The CJA form 20 has been revised. The changes include: (1) Removal of attorney's payee information to eliminate accidental disclosure (social security and tax id numbers will be maintained separately within the payment program for tax reporting purposes); and (2) Inclusion of additional data elements such as the number of defendants, case disposition, and appointment and termination dates if other than case completion.

Additionally, another significant change in the voucher completion process is that the time must be listed in the categories listed on the CJA 20 form and time must be submitted in tenths of hours:

CONVERSION:	MINS =HRS
	6 = .1
	12 = .2
	18 = .3
	24 = .4
	30 = .5
	36 = .6
	42 = .7
	48 = .8
	54 = .9
	60 =1.0

The new system is complicated and time consuming. We will do everything that we can to see that you are paid promptly, but in the interim, please be patient.

Please take note that effective January 14, 2000, the mileage reimbursement rate increased to 32.5¢ per mile. As you already know, the CJA rates for work performed after January 1, 2000, are billable at a rate of \$50 per hour for out of court work, and \$70 per hour for in court work.