

Fletcher v. Reilly, No. 03-5359 (D.C. Cir. January 06, 2006)

Dismissal of defendant's petition for habeas corpus relief is reversed and remanded for reconsideration where he had a viable claim that retroactive application of new federal regulations during his reparole hearing violated the Ex Post Facto Clause of the Constitution.

<http://caselaw.lp.findlaw.com/data2/circs/dc/035359a.pdf>

Evans v. Chavis, No. 04-721 (U.S.S.C. January 10, 2006)

Determination that a California prisoner's request for federal appellate review, made three years after a lower state court ruled against him was timely under the Antiterrorism and Effective Death Penalty Act (AEDPA), is reversed where the circuit court departed from the Supreme Court's interpretation of the AEDPA as applied to California's system in *Carey v. Saffold*, 536 U. S. 214 (2002).

<http://laws.lp.findlaw.com/us/000/04721.html> **Brown v. Sanders**, No. 04-980 (U.S.S.C. January 11, 2006)

With regards to the imposition of a death sentence, an invalidated sentencing factor, whether an eligibility factor or not, will render a sentence unconstitutional by reason of its adding an improper element to the aggravation scale in the weighing process, unless one of the other sentencing factors enables the sentencer to give aggravating weight to the same facts and circumstances.

<http://laws.lp.findlaw.com/us/000/04980.html> **US v. McCants**, No. 04-3064 (D.C. Cir. January 13, 2006)

Defendant's sentence for possession of false document-making implements is vacated where the district court failed to make required findings of fact with regards to certain disputed factual issues and its last minute "adoption" of a Presentence Investigative Report did not satisfy the required findings.

<http://caselaw.lp.findlaw.com/data2/circs/dc/043064a.pdf> **Gonzales v. Oregon**, No. 04-623 (U.S.S.C. January 17, 2006)

The Controlled Substances Act does not allow the Attorney General to prohibit doctors from prescribing regulated drugs for use in physician-assisted suicide under state law permitting the procedure.

<http://laws.lp.findlaw.com/us/000/04623.html> **Rice v. Collins**, No. 04-52 (U.S.S.C. January 18, 2006)

Grant of habeas corpus relief from a state conviction for possession of cocaine with intent to distribute pursuant to defendant's Batson challenge is reversed where the circuit court improperly substituted its evaluation of the record for that of the state trial court.

<http://laws.lp.findlaw.com/us/000/0452.html>