

District of Columbia Court of Appeals – February 2006

US v. Stephenson, No. 05-CO-646 (DC 2/9/06): In government appeal, the DCCA reversed the trial court's (Holeman's) order dismissing case with prejudice for want of speedy trial, when only a few months had elapsed and AUSA apparently screwed up writ for defendant from PG County; Court applied Barker factors.

Jeffrey v. US, No. 01-CF-932 (DC 2/16/06) (replaces 878 A.2d 1189 (DC 2005)): DCCA held (a) trial court lacked jurisdiction to hear 23-110 motion (because D no longer "in custody"); (b) ineffective assistance claim also failed when considered as part of direct appeal; (c) "gun-free zone" is 1000 feet from "grounds and real property" of school.

Bodwick v. US, No. 01-CF-1120 (DC 2/16/06): DCCA held (a) BI depends upon occupancy and possession, not ownership, of apartment leased by defendant (also subject of stay-away order), and therefore apt. could be and was burglarized by defendant; (2) ADW does not merge with unarmed aggravated assault.

Knight v. US, No. 04-CO-223 (DC 1/12/06 MOJ, publ. 2/23/06): The DCCA affirmed dismissal of a pro se "habeas corpus" petition which claimed that the BOP should have let defendant serve last 6 months, rather than 4.8 months, of prison term in halfway house. DCCA held: (1) if 2255 is considered as habeas petition, proper respondent is warden of prison & DC lacks jurisdiction; (2) if 2255 is treated as 23-110, BOP policy change did not affect sentence & trial judge properly denied relief.

Baker v. US, No. 04-CF-260 (DC 1/26/06, as amended 2/23/06): NO MAJOR CHANGE THAT I CAN SEE; N.B. DP conviction (affirmed) was misdemeanor in both versions.