

The DCCA decided only one criminal case today.

(1) Hammond v. US, No. 97-CF-624 (DC 8/11/05): The DCCA held: (a) speedy trial rights were not violated; (b) severance of defendants was properly denied; (c) other crimes evidence was properly admitted; (d) declarations against penal interest (non-testimonial under Crawford - I think because made to civilian witnesses?) were properly admitted; (e) merger issues variously conceded/decided. There also are minor issues. Wagner wrote opinion, so there is lots of plain error review.

(2) In re ETA, No. 02-FS-774 (DC 8/11/05): This is a neglect case, but it contains substantial language applicable to criminal cases re duty to reconstruct record if transcript is unavailable.