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News Roundup

1. Bloggers often feel like [Rodney Dangerfield](#): we get no respect. But over the past week, I've learned that under the latest revision of the *Bluebook*, the citation manual for lawyers, "blog posts are cited much the same as law journals or other periodicals," instead of being treated like emails and other informal correspondence. (Hat tip: [Volokh Conspiracy](#).) And a law professor and blogger in Minnesota has been named to the state supreme court. ([Volokh](#), again.) We're moving up in the world!

2. Speaking of getting no respect, Crime and Consequences has a [funny post](#) about actress Lindsay Lohan's latest scrape with the law. Here's an excerpt:

Zillionaire actress Lindsay Lohan had been ordered to appear in court to answer for various probation violations. (She was convicted in 2007 of driving around town juiced up on booze and cocaine). She didn't show, and earlier today a warrant was issued for her arrest. But now a \$100,000 bond has been posted and the warrant has been recalled.

The compassionate among us can breath a sigh of relief. And it's not just that this overbearing, jack-booted warrant is no longer out there. It's that she had just cause for her non-appearance. As ABC News reports:

According to Lohan's lawyer, Shawn Chapman Holley, Lohan had good reason for not showing up to court: She's stuck in France at the Cannes Film Festival.

Technically, I don't think she's a zillionaire. Actually, I just read in *Star* magazine that she can't pay her bills, which makes me wonder about the wisdom of the trip to France. Oops, did I just admit to reading *Star* magazine? I swear, it was my wife's!

3. On a more serious note, a recent California case suggests that the impact of the Supreme Court's decision in *Graham v. Florida*, about which Jamie blogged [here](#), may not be as significant as some think. In *In re Nunez*, 173 Cal.App.4th 709 (Cal. Ct. App. 2009), the California Court of Appeals held that "the [life without parole] sentence imposed on [the juvenile] petitioner [after his conviction for a very serious but nonhomicide offense] is void both in the abstract for society's most youthful offenders and as applied to petitioner in particular." In other words, the court prefigured *Graham*, albeit under the state constitution. What happened next? The [Los Angeles Times reports](#) that the defendant "was resentenced in October — to 186 years instead." I'm sure he's relieved.

4. Locally, the biggest stories of the past week or so have been the General Assembly's interest in [privatizing the probation system](#); the increasing attention being paid to critics of the Racial Justice Act (stories [here](#) and [here](#)); and the [firing of a state trooper and two local officers](#) after the trooper was stopped for DWI but taken to a hotel rather than charged. (All stories: *News and Observer*.)

5. Two provocative pieces have been featured on Sentencing Law and Policy recently. David Rittgers of the CATO Institute [wrote about the Comstock case](#), about which I blogged [here](#):

First, they came for the sex offenders. I am not a sex offender, but I opposed the civil commitment of sex offenders by the federal government because it is not an activity within the enumerated powers of Congress. The Supreme Court decided otherwise in Comstock. . . . Next, they will come for suspected terrorists. . . . [T]he Supreme Court's decision in Comstock may have some frightening

implications for domestic preventive detention of terrorism suspects in lieu of criminal prosecution. .

I'm not completely convinced by his argument, but it's an interesting read, as is [law professor Michelle Alexander's piece](#) about what it means to be a criminal, in which she argues that most people who think of themselves as "law abiding citizens" have actually committed crimes ranging from traffic offenses to underage drinking to experimental drug use and so might more accurately be described as criminals "who [haven't] gotten caught."

6. Finally, my colleague Shea Denning is preparing to teach a group of judges about evidentiary issues in implied consent cases. She's interested in what kinds of problems are cropping up out there. If you know of interesting or recurrent issues that are arising in DWI and similar cases, please post a comment or email Shea directly. Her contact information is available [here](#).

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