

# CRIMINAL COURTS BAR ASSOCIATION NEWSLETTER

PUBLISHED BY THE CRIMINAL COURTS BAR ASSOCIATION

January, 2009



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## JANUARY MEETING



Guest Speaker

### RICHARD HUTTON

**"DUI: New Laws and  
Handling Serious Cases"**



**Tuesday  
January 13, 2009**

**Board of Directors Meeting  
(Everyone welcome to attend)  
5:30 p.m.**

**Cocktails/Reception  
6:30 p.m.**

**Complimentary hors d'oeuvres  
courtesy of the  
Criminal Courts Bar Association**

**Dinner Meeting begins  
promptly at 7:00 p.m.  
\$40.00 per person**

**Les Freres Taix Restaurant  
1911 Sunset Blvd.  
Los Angeles, CA  
(Near Alvarado)**

**1.0 MCLE Credit Approved**



Reservations advised. Call Elizabeth at (626) 577-5005. CCBA certifies that this activity conforms to the standards for approved education activities prescribed by rules and regulations of the State Bar of California governing minimum legal education.

## CCBA WELCOMES MR. HUTTON

The Criminal Courts Bar Association is pleased to welcome Mr. Richard Hutton as the featured dinner speaker at our meeting to be held on Tuesday, January 13, 2009, at Taix Restaurant.

Richard A. Hutton graduated from the University of California at Los Angeles in 1967 with a Bachelor(s) Degree, and with his law degree from the same university in 1970.

Mr. Hutton is a past President of the Board of Governors of California Attorneys for Criminal Justice, past President of the Los Angeles County Criminal Courts Bar Association and past President of California DUI Lawyers Association (formerly California Deuce Defenders), and is a founding member of the National College for DUI Defense.

Mr. Hutton is presently a partner in the Pasadena law firm of Hutton & Wilson. During his career, dedicated almost exclusively to criminal law, he has tried over four hundred jury trials. He has been designated as a Certified Criminal Law Specialist by the California State Bar Board of Legal Specialization. Additionally, he has represented various organizations appearing before the California Assembly Legislative Committee in Sacramento, testifying regarding proposed legislation.

In 1991, Mr. Hutton received the Jerry Giesler Memorial Award from the Criminal Courts Bar Association. This award recognizes his outstanding courtroom abilities.

Mr. Hutton has lectured extensively in the field of criminal law, with emphasis in driving under the influence cases. He has previously taught classes for the U.S.C. Advanced Professionalism Program on the subject of driving under the influence. He has lectured to various bar association groups, including California Attorneys for Criminal Justice, California Public Defenders Association, San Diego Trial Lawyers Association, Criminal Courts Bar Association, and Orange County Trial Lawyers. He has authored numerous articles on driving under the influence that have been published in numerous periodicals including *Scientific and Expert Evidence*, Second Edition.

As is our tradition, please welcome the New Year with Mr. Hutton as he brings us up to date on the latest changes in DUI law and we celebrate his latest birthday.

**CRIMINAL COURTS BAR ASSOCIATION  
DINNER DANCE AWARD WINNERS**

**JOURNALISM AWARD  
LINDA DEUTSH**

**JOSEPH M. ROSEN JUSTICE AWARD  
ROBERT CLARK**

**JERRY GIESLER MEMORIAL AWARD  
MICHAEL BELTER AND  
TOM KIELTY**

**PRESIDENT'S AWARD  
HONORABLE  
KATHRYNE STOLTZ**

**MORT HERBERT AWARD  
ROBERT WILSON**

**SPECIAL AWARD  
KEVIN MCDERMOTT**

**JOHNNIE COCHRAN AWARD WINNER  
CHARLES LLOYD**

**JUDICIAL EXCELLENCE AWARD  
HONORABLE ELDEN FOX**



*Welcome also to the newest members  
of the Board of Director's:  
Michael Suzuki, Kevin Greber,  
and Zeke Perlo*

**CCBA 2009 DINNER DANCE  
TO BE HELD AT  
THE PETERSEN AUTOMOTIVE MUSEUM**

The Criminal Courts Bar Association is pleased to announce that the 56th Annual Dinner Dance will be held at the Petersen Automotive Museum on Saturday, March 7, 2009.

This spectacular location will provide the perfect backdrop as we honor our 2009 award winners.

Here is a short history of the museum:

On June 11, 1994, Margie and Robert E. Petersen fulfilled a longtime dream when they became founding benefactors to start the Petersen Automotive Museum, donating \$5 million to the Los Angeles County Natural History Museum. In April 2000, the Petersens contributed an additional \$24.8 million dollars to the Los Angeles County Natural History Museum to retire the bond debt and establish the Petersen Automotive Museum Foundation as an independent nonprofit organization. Overall, their gifts to the Petersen Automotive Museum total over \$30 million. Today, the Petersen Automotive Museum stands as the nation's premiere automotive museum, serving thousands of visitors each year.

The Petersen Automotive Museum is dedicated to the exploration and presentation of the automobile and its impact on American life and culture using Los Angeles as the prime example. Encompassing more than 300,000 square feet, its exhibits and lifelike dioramas feature more than 150 rare and classic cars, trucks and motorcycles.

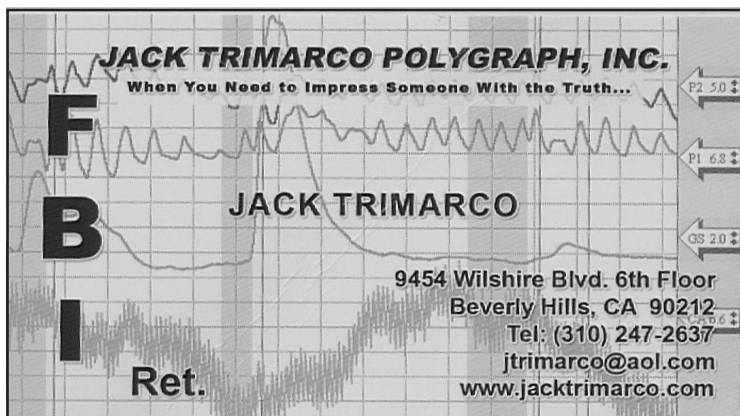
Covering four floors, the facility features permanent exhibits on the first floor that trace the history of the automobile. Visitors are invited to walk through, not by, exhibits and dioramas and experience settings of early Los Angeles where the world's first shopping district was designed.

The second floor presents five rotating galleries with state-of-the-art displays of racecars, classic cars, vintage motorcycles, concept cars, celebrity and movie cars, and auto design and technology.

The May Family Discovery Center is located on the third floor. Designed to spark interest in science by way of the automobile, the 6,500 square-foot, interactive "hands-on" learning center teaches children basic scientific principles by explaining the fundamental functions of a car.

A spectacular all-glass penthouse conference center, Founder's Lounge and kitchen, comprise the fourth floor, which is available for special events and functions.

We welcome any and all to this outstanding location for our yearly event.



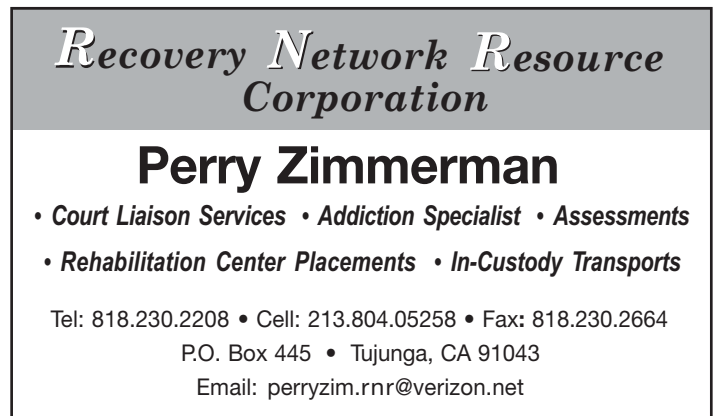
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## IN THE TRENCHES: CCBA BOARD OF DIRECTORS



From left: Takasugi, Jon; McKesson, Winston; Rafferty, Mark; Gordon, Gigi; Morris, Sharon; Stein, Andy; Triessl, Alison; Hohmann, Christa; Sweeney, John; and Richland, Bruce.

Not pictured: Fukai, Janice, Judge, Michael; Yamamoto, Mia; Plascencia, Felipe; Naderi, Arvand; and Paek, David.

### DINNER MENU

Complimentary Appetizer:  
**Pizza Bread**

The main Entrees will be:  
**Sole Meuniere**  
(Filet of sole lightly sauteed,  
served with beurre blanc).

**Roast Chicken**  
(Famous farmers style roast chicken)

Entrees include relish trays, soup du jour, fresh  
sourdough bread, garden salad with house vinaigrette  
dressing, fresh vegetable, rice or potato,  
sherbert and coffee or tea.

## CCBA NEWSLETTER CASE DIGEST

By Gary Mandinach

*People v. Mosley* (2008) Cal.App.4th , reported on November 21, 2008, in 2008 Los Angeles Daily Journal 17178, the Fourth Appellate District, Division 3 held that the trial court erred where it, made its own finding and required the defendant who was convicted of an assault, after a jury acquitted him on a sexual assault charge, to register as a sex offender subject to Jessica's Law's restriction on residency. The Court of Appeal found that the restriction was a penalty, and not merely regulatory under *People v. Castellanos* (1999) 21 Cal.4th 785, because of its punitive effect, despite the lack of punitive legislative intent, wherein it increased the penalty for underlying offense, which was not sexually based, beyond the statutory maximum, requiring supporting facts to be found beyond a reasonable doubt by a jury. (*Apprendi v. New Jersey* (2000) 530 U.S. 466.)

*People v. Brendlin* (2008) Cal.4th , reported on November 25, 2008, in 2008 Los Angeles Daily Journal 17352, the California Supreme Court held that the discovery of an outstanding arrest warrant prior to a search incident to an arrest, but after an unlawful detention of the vehicle and of the persons in the car, constitutes an intervening circumstance that may, and in this case can, in the absence of purposeful or flagrant police misconduct, will attenuate the taint of the antecedent unlawful stop of the vehicle.

*People v. Genovese* (2008) Cal.App.4th , reported on November 25, 2008, in 2008 Los Angeles Daily Journal 17365, the Third Appellate District held that jury instructions which failed to inform the jury specifically that "imperfect defense of another" would negate malice, (see CALJIC 8.40 or CALCRIM 572), were not constitutionally defective where they were instructed through other instructions, the different kinds of acts and situations which would reduce an act from murder to voluntary manslaughter, and those instructions informed the jury that a killing in imperfect self-defense, whether intentional or in conscious disregard of life, was voluntary manslaughter.

*People v. Galvan* (2008) Cal.App.4th , reported on November 26, 2008, in 2008 Los Angeles Daily Journal 17432, the Fourth Appellate District, Division 2 held that, consistent with *People v. Tokash* (2000) 79 Cal.App.4th 1373, section 12022.7, subdivision (b)'s enhancement for personally causing great bodily injury causing the victim "to become comatose due to brain injury or to suffer paralysis of a permanent nature" applies whether the state of coma is permanent or not.

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## SAVE THE DATE

- *February Dinner Meeting will be held on Tuesday, February 10, 2009. The featured dinner speaker will be the Honorable Maria Stratton who will discuss "Nuts & Bolts of Department 95." The dinner meeting will be held at Taix Restaurant.*
- *Criminal Courts Bar Association dinner dance will be held on Saturday, March 7, 2009, at the Petersen Automotive Museum.*



**Michael Bloom**  
Chief Financial Officer

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