

Thursday, January 11, 2007

Supreme Court lets prosecutors avoid putting much specificity in indictments.

Â Â Justice Stevens wrote the 8-1 majority opinion.Â This week, the United States Supreme Court reversed the Ninth Circuit's reversal of a conviction for attempting to re-enter the United States following deportation, even though the indictment did not specify what actions were used to effectuate the attempt. The case is U.S. v. Resendiz-Ponce, ___ U.S. __ (Jan. 9, 2006). Â Praised be Justice Scalia -- the lone dissenter and generally quite the supporter of law and order -- for calling his fellow eight justices to task for the error of the majority's opinion, including the failure of such an indictment to assure that the grand jury understood the necessary legal elements of the crime of attempt. I have taken strong issue with Justice Scalia before, including here and here. Yet, sometimes, like in this case, he is right on the money. Jon Katz.

Posted by Jon Katz in Criminal Defense at 02:00