

MEMBER VICTORIES AND NEWS

By Kristina Kliszewski

In the News:

Lynn S. Coffin was elected President-Elect of CACJ (California Attorneys for Criminal Justice) and **Carleen R. Arlidge**, San Jose private practitioner, was elected Vice President.

Kimberly Kupferer has opened her own law practice at 1010 Grayson Street, Suite One, Berkeley, California.

Kudos:

Alameda County:

Private Practitioner Annie Beles got a 187 dismissed in Solano County after winning a Hitch motion based on the destruction of crucial video tapes two days before the trial was set to begin. The judge told the client, as he was granting **Annie's** motion, dismissing the case and ordering the client's release: "I am not here to find you guilty or not guilty. I am only here to ensure you get a fair trial and I can't give you that without those tapes." **Annie's** client was charged with a murder that occurred in Vallejo. The client lived in Richmond and there was evidence that he was present in Vallejo on the night of the murder. Thirteen video tapes of the Carquinez Bridge from the night of the murder were reviewed by the Vallejo Police Department to determine if the client had driven across the bridge. His car was not seen, but cell phone repoll records revealed that a phone in his name had crossed the bridge. His sister had borrowed the phone that night. **Annie** requested the tapes in order to show the sister's car crossing the bridge. Most of the tapes had been destroyed by the police and the self-righteous Detective Steve Darden. The DA has appealed the granting of the motion.

Private Practitioner Kim Kupferer won a new trial motion where her juvenile client had been convicted of armed robbery of two women in their car and the shooting of one of the women. The victim of the shooting testified in the trial that she was shot and she was 100% sure that the client was the shooter. **Kim** was hired to try to undo the conviction. She was able to locate the other eyewitnesses and show them police generated photo lineups including the client. Other witnesses did not identify the minor, and **Kim** was able to establish that the minor had a different hairstyle than the shooter at the time of the incident. After the judge granted the new trial motion, she successfully convinced the DA not to retry the case and the charges were dismissed.

Private Practitioner Kim Kupferer also got acquittals in a juvenile trial where her client was charged with three separate cases (two armed robberies and an escape from camp). The client was acquitted on the escape and one of the armed robberies by Judge Winifred Smith.

Investigator Tamara Thompson of Tamara Thompson Investigations assisted in the non-death verdict in an Alameda County capital case. After deliberating for almost 3 weeks following the six-month trial of Aldo Romero, the jury rendered verdicts of 2nd degree murder on the murder charge, three voluntaries on the three counts of attempted murder, and one not guilty. The lead attorney was Richard Humphrey and the defense team also included mental health consultants Karen Franklin and Ilene Yasemsky, as well as investigation by **Tamara** and Michele Gandy-Lewis.

Lorene Bethard, private practitioner, won a not guilty by reason of insanity extension victory. (Penal Code section 1026.5). She

got her client unconditionally released.

Chantal Sampogna, private practitioner specializing in juvenile dependency, got a 300 petition dismissed and her incarcerated client's child placed with the paternal grandmother after exposing the unfair practices of CPS and Santa Rita Jail for babies born to incarcerated mothers. **Chantal's** client had given birth while incarcerated at Santa Rita jail. While incarcerated and prior to the child's birth, the client tried to arrange for care of the child with the alleged paternal grandmother or the out of county maternal grandfather. The procedure for giving birth while at Santa Rita is that the woman is taken to Highland Hospital and the child is held by CPS automatically unless another placement with a relative who is living in Alameda County is approved. This procedure violates In re S.D. (2002) 99 Cal.App.4th 1068, which states that the suitability of the caretaking arrangements made by the parent is not an issue. After the client's baby was born, CPS placed the baby in foster care because the out of county relative and the alleged paternal grandmother were not approved. The county filed a petition against the mother alleging neglect because the mother was

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victories and funny stories
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