

# Member Victories and News

by *Margo George*

## **KIM KUPFERER and JAMES MCWILLIAMS Do Battle in Federal Court**

Kim Kupferer, and James McWilliams are both Alameda County public defenders who won a major discovery motion in federal court that may make it easier for all defense attorneys to get federal evidence. Kim and James found themselves in federal court fighting the U.S. Attorney's refusal to turn over thousands of pages of federal documents that relate to charges that their client Samuel Johnson was involved in the killing of alleged drug dealer Devon Chung and his 18 year old girlfriend Traci Carter. Kim and James need the documents because they contain exculpatory information that could undermine the credibility of the key prosecution witnesses. Kim and James initially tried to subpoena the documents to state court but the feds refused to turn them over. Finally Kim and James filed suit against Janet Reno, the U.S. Department of Justice, the ATF, and the DEA.

U.S. District Judge Samuel Conti had already sided with the government once in Kim and James' fight to get discovery, but this time he listened impatiently to the U.S. attorney arguing the government's side and told them to turn over the documents. "This isn't jaywalking. It's a double murder case. And I'm not really concerned whether this man is guilty or not guilty....The only thing I'm concerned about is whether the defendant in the state case is going to get a fair trial, and it seems to me if this was a federal case, this would all come under Brady, and you'd have to give this information to him. Aren't you interested in this man getting a fair trial?" Conti asked the U.S. attorney. (To read more about this victory, check the Women Defenders web page at [www.womendefenders.com](http://www.womendefenders.com).)