



September 24, 2014

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## *PRESS ADVISORY*

### **DC Court of Appeals Arguments to be Live-Streamed This Friday**

**WHAT:** Live streaming of four DC Court of Appeals oral arguments

**WHEN:** **September 26, 2014 – 9:30am to 12:30pm and 2pm**

**WHERE:** Ceremonial Courtroom  
Historic Courthouse  
430 E Street, NW

Online at: <http://www.dccourts.gov/internet/appellate/oralargs.jsf>

Cases:	9:30a	Christopher W. Johnson v. US 13 CM 883
	10:30	In Re: SW vs. Appellant 12 FS 434
	11:30	D.C. v. Melvern Reid et al. 14 CV 292

#### *Christopher Johnson v. United States* -

In 2013, appellant was arraigned in DC Superior Court on charges of cruelty to animals. Appellant filed a motion to suppress tangible evidence and statements, and the trial court denied the motion. Appellant then entered a conditional guilty plea to the charge of attempted engaging in animal fighting. Following his sentencing, appellant appealed the conviction and now asks this court to consider whether the good-faith exception to the Fourth Amendment exclusionary rule, articulated in *United States v. Leon*, 468 U.S. 897 (1984), is inapplicable to evidence seized pursuant to a search warrant that was so clearly not based on probable cause that a police officer could not reasonably believe that the warrant was valid.

#### *In re S.W.* -

In 2012, appellant, a minor, was charged by petition with three counts stemming from a carjacking and one count of threats to do bodily harm. Appellant filed a motion to suppress statements on the grounds that appellant was not properly informed of his rights under *Miranda*; the trial court subsequently denied the motion. On appeal, appellant's counsel asks this court to consider whether appellant was given an effective and adequate *Miranda* warning; whether appellant knowingly and intelligently waived his *Miranda* rights, in light of his interaction with a named detective; and whether appellant voluntarily waived his *Miranda* rights, in light of the same interaction.

#### *DC v. Melvern Reid et al.* -

The District is appealing an order granting plaintiffs' request for a preliminary injunction ordering the District to place homeless families in "apartment-style" shelters or private rooms during hypothermic weather conditions. Plaintiffs argued in Superior Court that the District was obligated to provide homeless families such shelter under the Homeless Services Reform Act, D.C. Code § 4-751.01 et seq. On appeal, the District argues that the Superior Court (1) misconstrued the statute and thus misjudged the plaintiffs' likelihood of success on the merits, and (2) improperly determined that plaintiffs had made a showing of irreparable injury.

*Jermyl Lamont Moody v. United States* -

After having been convicted by a jury of a number of felony gun and drug offenses, appellant filed a motion for a new trial based on newly-discovered exculpatory evidence and asked that the trial court rely on *Carter v. United States*, 684 A.2d 331 (D.C. 1996) (*en banc*), when considering his motion. *Carter* established a process for the court to assess the reasonableness of the government's refusal to grant immunity to permit an exculpatory defense witness to testify at trial. After the trial court denied appellant's motion, appellant appealed that decision. In its December 13, 2013, opinion, a two-judge majority of a division of the District of Columbia Court of Appeals concluded, over a dissent, that the trial court did not abuse its discretion when it denied appellant's motion for a new trial, as the trial court's denial of the motion was proper on the ground that the newly-discovered testimony was unlikely to result in an acquittal because the trial judge found that the witness would not be credible. Appellant filed a petition for rehearing/rehearing *en banc*, citing a misapplication of the standard articulated in *Carter*, which is intended to protect a criminal defendant's Fifth and Sixth Amendment rights. This court granted appellant's petition and withdrew its December 2013, opinion. The rehearing is a special sitting on the regular calendar.

*Note: This is a pilot project of the DC Court of Appeals and does not in any way eliminate the general rule of the DC Courts that cameras may not be used in courtrooms without explicit permission of the chief judge of the relevant court.*

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