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# **Federal Bail and Detention Handbook 2015**

**Hon. John L. Weinberg  
United States Magistrate Judge**

*Federal Bail and Detention Handbook 2015*, which replaces your 2014 edition of the handbook, provides all the latest significant developments under the Federal Bail Reform Act, as reported by the Honorable John Weinberg, including his invaluable table of U.S. Supreme Court and Circuit Decisions. *Federal Bail and Detention Handbook 2015*'s coverage of the most significant developments under the Federal Bail Reform Act of 1984 includes the following:

The Ninth Circuit, sitting en banc, recognized that the U.S. Supreme Court has now determined that it is consistent with the Constitution to require certain arrestees to provide DNA samples. The Ninth Circuit therefore rejected a pending challenge to the California statute. *See* § 5:4.

Another en banc panel of the Ninth Circuit invalidated Arizona's "Proposition 100," which in state criminal charges imposed an irrebuttable presumption of detention for illegal aliens "charged with serious felony offenses," where "the proof is evident" or "the presumption is great." *See* § 14:11.

The notification from an attorney to his client of the date she is required to surrender is not protected by the attorney-client privilege, the Seventh Circuit ruled. Evidence of the notification can come into evidence in a prosecution for failure to surrender as directed. *See* § 9:2.

Revised § 14:1 sets forth examples of situations where the judge in the district of arrest might choose to modify a previous release or detention order from the charging district or another district. Rule 40(c) of the Federal Rules of Criminal Procedure authorizes the judge to make such a modification, but requires the judge to state the reasons in writing.

The court should not order the deposition of a material witness who has already indicated he will refuse to testify. *See* § 13:3.

If defendant furnishes materially false information in his testimony at a bond revocation hearing, the sentencing judge can enhance his offense level for obstruction of justice. *See* § 6:8.3.

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