

EFFECTIVE ASSISTANCE

Newsletter for CJA Panel Attorneys

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Sobering Thoughts Issue

Last Call For Alcohol (Abuse)

By D. H. Wannamaker
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A problem exists among members of our profession which is rarely discussed and oftentimes ignored. It is so ingrained in the legal profession that it has become acceptable. That problem is alcohol and substance abuse. If you had a stressful day, you go to your favorite watering hole for a little stress relief. If you are wooing a new client, you repair to a tony cocktail lounge to seal the deal. If you just won a big case, you buy drinks for your cronies at the most popular tavern. Our world is awash in alcohol. Not all attorneys who drink have a drinking problem. However, a significant number do. This article is not intended to preach. Instead, it is hopefully a small step toward understanding a pervasive problem and what we can do to help ourselves, our colleagues, and our profession.

Many of our colleagues are alcoholics. Many others are problem drinkers. We are socialized to view alcohol as a necessity in our daily professional lives. This begins even before we are licensed. Studies indicate that at least one out of eight graduating law students exhibits dependency characteristics.¹ Long hours of studying and the stress of law school drive many students to overindulgence in alcohol and controlled substances. And because the use of alcohol among lawyers and law students is considered normal behavior, the problem is overlooked and in fact encouraged. It is quickly learned that alcohol is the social lubricant of many lawyers. Law school receptions, law office parties, judicial fund-raisers, and job interviews usually involve alcohol. The seed of dependence is planted in school, and we water that seed generously.

By the time we become members of our chosen profession, that seed has germinated, taken root, and covers many of us like kudzu. Alcohol is incorporated into many of our social and professional gatherings. One needs only look to local and state bar functions and professional seminars we attend to understand this. And how can we forget the Christmas parties and Mardis Gras!

Alcohol abuse has reached epidemic proportions in the legal community. Twenty percent of attorneys in the United States have a problem with substance abuse.²

These numbers are staggering and disheartening. Particularly when viewed in comparison to the public at large, whose rate is approximately 10 percent.³ The problems associated with this abuse can be devastating. Alcoholism is a progressive disease and afflicted lawyers will eventually run afoul with the professional rules of conduct. The majority of discipline cases are alcohol or substance abuse related and in fact will likely result in state bar grievance investigations.⁴ The Alabama Center for Professional Responsibility of the Alabama State Bar estimates that between 50 and 70 percent of those disciplinary cases which result in suspension or disbarment have roots in alcohol or chemical dependency.

This problem is surmountable. The bar must become knowledgeable of the problem and familiar with the solutions.⁵ We all know attorneys who drink excessively and appear to have a problem and their behavior is tolerated. We need to recognize that these individuals are suffering from a disease and can be helped. Secondly, we must remove the stigma attached to alcohol and drug dependency. Alcoholism is a disease, and not a sign of sloth or bad moral character. We must use our new found knowledge and attitude concerning alcohol and substance abuse by helping those who are in need.⁶ An affected attorney does not need sympathy, but help.

The Alabama Lawyer

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Assistance Program (ALAP), a newly created program of the state bar, provides services to attorneys who are in trouble, or can help attorneys who are concerned about their colleagues.

These services include, meeting with the person to assess the problem and recommend treatment options; providing intervention when appropriate; peer support pairing the troubled attorney with a recovering lawyer; and providing education to law firms and courts concerning troubled lawyers and how they can help. All information and calls to ALAP are confidential. Jeanne Marie Leslie, the director of the program, may be reached at (334) 834-7576. If you feel that you or someone you know has a problem with alcohol or drugs, do not ignore it. We owe it to ourselves, our colleagues, and our profession to do all that we can to address this problem.

Sources:

1. Patricia Sue Hall, *Tending The Bar In Texas: Alcoholism as a Mitigating Factor in Attorney Discipline*, 24 Saint Mary's Law Journal 1263, 1264 (1993)

2. *Supra*, at 1264; See John Rogers Carroll, *When Your Colleague Is Hooked*, 55 Tex. B.J. 268 (1992); John V. McShane, *Disability Probation and Monitoring Programs*, 55 Tex. B.J. 273 (1992).

3. *Supra*, at 1264; See J. H. Robbins, M.D. & Tim F. Branaaman, Ph.D., *The Personality of Addiction*, 55 Tex. B.J. 266, 266 (1992).

4. *Supra*, at 1265.

5. The December 1999 issue of the Florida Bar Journal is dedicated to the problems of alcoholism, depression, and addiction. It may be accessed on

the Internet at www.FLABAR.org

6. The American Bar Association Commission on Lawyers Assistance Programs, created in 1988, maintains a website for aiding and supporting lawyers assistance programs across the United States, at www.abanet.org/cpr/colap.

The Best Defense

By Carlos Williams
Executive Director

Lawyers in other parts of the country are engaging in a different kind of criminal practice. In the early 1970's, Connecticut became the first state whose public defender incorporated full-time social work into the staff. The office deemed social work so fundamental to their practice that in each grant proposal the public defender requested the hiring of one social worker for each new attorney hired.

The New York City, Harlem-based Neighborhood Defender Service and the Bronx Defenders take the client centered approach a step further. Teams of lawyers, social workers and assistants are assigned to certain cases. They work with other social workers, drug treatment programs and community groups to provide client representation well past the end of the criminal case. Some follow their client's progress through a drug program, while others help clients find jobs, housing, or financial aid for college. They argue that this "holistic advocacy" actually prevents crime by addressing the needs of their clients. One of the most compelling arguments for their approach was summarized by the Bronx Defender, Robin Steinberg: "If you know that

97% of the cases are disposed of without trial, to focus so single-mindedly on the litigation aspect does not make sense." See: "The Best Defense . . ." *The National Law Journal*, January 31, 2000.

Holistic advocacy broadens the views of all involved in the criminal process. It is fertile ground for new strategies and ultimately widens the choices for some clients. Obviously, very few attorneys and firms have the financial resources to adopt this holistic approach. However, there are a number of contract organizations in Alabama which provide a range of services for individuals with alcohol, substance abuse, employment or parenting issues. They provide a broad range of pre-trial release or detention options as well as sentencing options. Enclosed with this issue is a list of organizations which provide drug and alcohol treatment similar to that offered by our local programs, (The House of Grace, Wings of Life, The Shoulder and the Salvation Army). The list, however, includes organizations which offer clients more intensive treatment.

CONGRATULATIONS TO:

Peter Madden for his
successful appeal in: U.S.
v. Fowler, 198 F.3d 808
(11th Cir. 1999)

and

Christopher Knight for
his successful appeal in
United States v. Cobb,
185 F.3d 119
(11th Cir. 1999)

REVERSED & REMANDED

By:

Christopher Knight
Assistant Federal Defender
Kristen G. Rogers
Research and Writing Specialist

The opinions cited below were reversed either in whole or in part for the reasons stated. These opinions are contained in the Federal Reporter and Supreme Court Reporter Advance Sheets. They are published opinions, including significant habeas decisions, with official citations. Opinion of the United States Court of Appeals for the Eleventh Circuit are listed in bold face type for your convenience. The opinions themselves should be consulted for detailed rationale and supporting authority. The official reporters consulted are 181 F.3d through 196 F.3d and 120 S. Ct.

United States Supreme Court

Flippo v. West Virginia, 120 S. Ct. 7 (1999)(evidence seized in warrantless search of a "homicide crime scene" cannot be justified on ground that police were entitled to make a thorough search of a crime scene and objects found there).

United States Courts of Appeals

In re Sealed Case, 181 F.3d 128 (D.C. Cir. 1999)(government's refusal to file motion for downward departure based on either unconstitutional motive or bad faith may warrant relief).

United States v. Aker, 181 F.3d 167 (1st Cir. 1999)(remand for clarification as to basis of denial of departure based on diminished capacity).

United States v. Moreno, 181 F.3d 206 (2nd Cir. 1999)(remand

necessary to determine amount of powder cocaine distributed).

United States v. Short, 181 F.3d 620 (5th Cir. 1999)(conviction on both conspiracy to distribute heroin and cocaine and leading, organizing and managing a continuing criminal enterprise was violation of double jeopardy because the first was a lesser included offense of the second).

United States v. Martinez, 181 F.3d 627 (5th Cir. 1999)(remand to allow defendant to state with specificity claim that his counsel did not allow him to testify).

United States v. Jackson, 181 F.3d 740 (6th Cir. 1999)(defendant's higher sentence on remand not adequately explained and presumptively vindictive under Pearce).

United States v. Payne, 181 F.3d 781 (6th Cir. 1999)(no reasonable suspicion justifying search of defendant's property; evidence obtained by parole officer in violation of 4th Amendment must be suppressed).

United States v. Messino, 181 F.3d 826 (7th Cir. 1999)(exclusion of testimony to remedy conflict of interest was abuse of discretion because testimony would be highly probative and disqualification would not deprive defendant to 6th Amendment right to counsel of his choice).

United States v. Hall, 181 F.3d 1057 (9th Cir. 1999)(delay resulting from granting co-defendant's continuance motions not reasonable as to defendant).

United States v. Casarez-Bravo, 181 F.3d 1074 (9th Cir. 1999)(plain error in using state convictions as predicate offenses under career offender

guideline).

Delgado v. Lewis, 181 F.3d 1087 (9th Cir. 1999)(deficient state appellate representation by failing to raise any issues on appeal and by failing to withdraw).

Schell v. Witek, 181 F.3d 1094 (9th Cir. 1999)(hearing necessary to determine if counsel was ineffective for failing to request appointment of substitute counsel and for failing to consult fingerprint expert).

United States v. Cook, 181 F.3d 1232 (11th Cir. 1999)(proof of aiding and abetting necessary for enhancement for reckless endangerment when someone other than defendant engaged in reckless conduct; proof here insufficient to warrant enhancement).

United States v. Gibbs, 182 F.3d 408 (6th Cir. 1999)(insufficient evidence to support conspiracy and firearms convictions).

United States v. Ramirez, 182 F.3d 544 (7th Cir. 1999)(plain error warranted reversal where indictment charged using and carrying firearm during actual distribution of marijuana, which was not proved, and did not rely on distinct offenses of possession and conspiracy to possess marijuana with intent to distribute of which defendant was convicted; constructive amendment of indictment required reversal for plain error).

Tolbert v. Page, 182 F.3d 677 (9th Cir. 1999)(defendant entitled to deferential review of Batson claim, overruling Turner v. Marshall, 63 F.3d 807 (9th Cir. 1995)).

United States v. Wilson, 182 F.3d 737 (9th Cir. 1999)(reversed and remanded for failure to prove jurisdictional

element of proof of visual depiction of minors engaged in sexually explicit conduct produced using materials which traveled in interstate commerce—no proof of interstate commerce).

Smith v. U.S., 182 F.3d 1023 (8th Cir. 1999)(defendant not compelled to stand trial in prison clothes in violation of his right to fair trial absent objection and evidentiary hearing was required to determine whether failure to object was ineffective assistance of counsel).

United States v. Mohrbacher, 182 F.3d 1041 (9th Cir. 1999)(customer simply on receiving end of those who make visual depictions of minors engaging in sexually explicit conduct available on a computer bulletin board or via e-mail, who downloads an image that has been made available through an automated, preconfigured process or that has been sent by another computer user, is guilty of receiving or processing such materials, but not of shipping or transporting them).

United States v. Torres, 182 F.3d 1156 (10th Cir. 1999)(to determine whether prior sentence constituted relevant conduct for purposes of assessing criminal history points, appeals court would combine approaches of asking whether district court took prior sentence into account in determining base offense level and of reviewing district court's underlying finding)

Gaskins v. Duval, 183 F.3d 8 (1st Cir. 1999)(one-year grace period for filing habeas petition began upon effective date of AEDPA and grace period was tolled during time in which petitioner's motion for collateral review was pending in state courts).

United States v. Beras, 183 F.3d 22

(1st Cir. 1999)(pat down of defendant attempting to board flight from Puerto Rico to Dominican Republic fell within border search exception to 4th Amendment).

United States v. Stephenson, 183 F.3d 110 (2nd Cir. 1999)(evidence that defendant was involved with 1314 grams of crack cocaine was not legally insufficient as result of defendant's claim that crack he distributed contained caffeine; evidence of intentional down payment on vehicle of less than \$10,000 to avoid triggering federal transaction reporting requirements insufficient to establish intent to conceal required for conviction under money laundering statute).

United States v. Guadagna, 183 F.3d 122 (2nd Cir. 1999)(evidence insufficient to support defendant's conviction on second count of wire fraud stemming from phone call made as part of fraudulent sweepstakes telemarketing scheme).

United States v. Brennan, 183 F.3d 139 (2nd Cir. 1999)(venue improper in mail fraud prosecution when case brought in a district in which the mail merely moved).

United States v. Davis, 183 F.3d 231 (3rd Cir. 1999)(evidence insufficient to support conviction for interfering with wiretap, obstruction of grand jury proceeding, conspiracy to obstruct justice, and racketeering; defendant entitled to intoxication instruction with respect to witness tampering charge).

United States v. Francis, 183 F.3d 450 (5th Cir. 1999)(search conducted pursuant to clause in contract with private company hired to monitor defendant, who had been placed in home incarceration, invalid where sentencing court, in authorizing home

incarceration with monitoring, did not impose any search condition).

United States v. Williamson, 183 F.3d 458 (5th Cir. 1999)(defendant prejudiced by counsel's failure to raise the issue whether defendant's conviction could serve as trigger for career offender enhancement).

United States v. Garecht, 183 F.3d 671 (7th Cir. 1999)(defendant's prior conviction for cocaine possession could be counted as relevant conduct for conviction for conspiracy to possess marijuana with intent to distribute but could not be counted as prior felony conviction for career offender purposes).

United States v. Gage, 183 F.3d 711 (7th Cir. 1999)(clear error where district court increased defendant's offense level without stating with adequate clarity whether defendant's false testimony resulted from faulty memory or intent to impede justice).

United States v. Tingle, 183 F.3d 719 (7th Cir. 1999)(venue for distribution of drugs improper when all acts necessary for offense and any aiding or abetting by defendant occurred in another state).

United States v. Palmer, 183 F.3d 1014 (9th Cir. 1999)(clearly erroneous upward adjustments based on possession of guns and marijuana in mobile home on defendant's property; prior state conviction may not be used to set base offense level where civil rights restored with respect to conviction).

United States v. Luca, 183 F.3d 1018 (9th Cir. 1999)(insufficient factual findings to support vulnerable victim enhancement; erroneous finding that defendant was organizer or leader without identifying any other participant in the scheme).

United States v. Corrales, 183 F.3d 1116 (9th Cir. 1999)(dismissal required in prosecution for felon-in-possession of firearm where civil rights restored for prior felony and no express restriction under state law).

United States v. Orduno-Aguilera, 183 F.3d 1138 (9th Cir. 1999)(insufficient evidence to prove ester derivatives of drugs promoted muscle growth, as required to prove drugs were anabolic steroids).

United States v. Wilson, 183 F.3d 1290 (11th Cir. 1999)(erroneous belief that court lacked authority to grant 2-level reduction for acceptance of responsibility).

United States v. Gonzalez, 183 F.3d 1315 (11th Cir. 1999)(Bruton error not harmless; insufficient evidence of conspiracy in drug case; insufficient evidence of using or carrying firearm in relation to drug trafficking crime; insufficient notice by government of intent to seek sentence enhancement based on prior convictions).

Morales-Rivera v. United States, 184 F.3d 109 (1st Cir. 1999)(mailbox rule applies to pro se prisoner 28 U.S.C. §2255 motion, and runs from date prisoner deposited motion in prison's internal system).

United States v. Lalje, 184 F.3d 180 (2nd Cir. 1999)(insufficient evidence of mail fraud).

United States v. Martinez-Santos, 184 F.3d 196 (2nd Cir. 1999)(prior crimes erroneously characterized as not victimless for criminal history calculation).

United States v. Smith, 184 F.3d 415 (5th Cir. 1999)(erroneous application of first degree murder guideline in conspiracy to commit kidnapping

case).

Villegas v. Johnson, 184 F.3d 467 (5th Cir. 1999)(ADEPA statute of limitations tolled while second state habeas petition pending).

United States v. Gatewood, 184 F.3d 440 (6th Cir. 1999)(three strikes statute violated due process for requiring proof by clear and convincing evidence that defendant's previous robberies were not violent).

Dillon v. United States, 184 F.3d 556 (6th Cir. 1999)(notice of appeal need not name appellate court as long as only one avenue of appeal available).

United States v. Ford, 184 F.3d 566 (6th Cir. 1999)(overbroad search warrant in gambling prosecution).

United States v. Washington, 184 F.3d 654 (7th Cir. 1999)(conviction based on incredible evidence).

United States v. Pandiello, 184 F.3d 682 (7th Cir. 1999)(delegation of responsibility of setting amount of restitution to Inmate Financial Responsibility Program was plain error).

United States v. Rice, 184 F.3d 740 (8th Cir. 1999)(Court has no discretion to deny reduction for acceptance of responsibility where defendant makes timely announcement of intent to plead guilty).

In re Sealed Case No. 99-3096 (Brady Obligations), 185 F.3d 887 (D.C. Cir. 1999)(prosecution had Brady obligation to disclose any cooperation agreements between witness and government, even if Brady disclosure obligations did not apply to evidence impeaching defense witnesses).

United States v. Barajas-Montiel, 185

F.3d 947 (9th Cir. 1999)(criminal intent required for felony offense of bringing in illegal aliens for financial gain).

Alvarez v. Gomez, 185 F.3d 995 (9th Cir. 1999)(habeas petition granted where petitioner invoked his right to counsel during custodial interrogation and purported waivers of counsel were ineffective).

United States v. Crawford, 185 F.3d 1024 (9th Cir. 1999)(using the "relevant conduct" of school proximity to pick offense guideline section applicable to controlled substance offense was error).

United States v. Rose, 185 F.3d 1108 (10th Cir. 1999)(district court must state in open court its reasons for imposing consecutive, rather than concurrent, sentences under 18 U.S.C. §3553(c)).

Brown v. Shanks, 185 F.3d 1122 (10th Cir. 1999)(dismissal of habeas petition which contained both exhausted and unexhausted claims was appropriate where unexhausted claim involved an issue of first impression under state law).

*United States v. Cobb, 185 F.3d 1193 (11th Cir. 1999)(district court should have granted defendant's motion to sever his trial from that of his brother, so that brother could provide exculpatory testimony in defendant's trial for receiving stolen funds).

United States v. Hernandez-Wilson, 186 F.3d 1 (1st Cir. 1999)(defendant misled as to eligibility for sentencing under safety valve, and thus was entitled to have plea set aside).

United States v. Maria, 186 F.3d 65 (2nd Cir. 1999)(district court retains discretion under U.S.S.G. §5G1.3(c)

to sentence concurrently or partially concurrently when defendant commits a federal offense while on federal or state probation, parole, or supervised release, and such probation, parole, or supervised release has been revoked).

Quartararo v. Hanslmaier, 186 F.3d 91 (2nd Cir. 1999)(district court could not assume position of 13th juror on petition for habeas corpus relief; must view evidence in light most favorable to prosecution).

United States v. Padilla, 186 F.3d 136 (2nd Cir. 1999)(plea agreement prohibited government from withdrawing motion for sentencing departure based on substantial assistance, even after defendant failed to appear for sentencing and was apprehended committing another crime).

Krevsky v. United States, 186 F.3d 237 (2nd Cir. 1999)(failure to inform defendant of right to appeal not harmless where defendant not independently aware of right).

Blyden v. Mancusi, 186 F.3d 252 (2nd Cir. 1999)(prison official held liable under §1983 for acts amounting to deliberate indifference to acts of retaliation that constituted cruel and unusual punishment).

United States v. Lahey, 186 F.3d 272 (2nd Cir. 1999)(since neither bank fraud statute nor statute prohibiting probation for Class B felonies precludes a sentence imposing no jail term, court allowed to depart from sentencing guidelines despite guideline directing a sentence including at least one month imprisonment).

United States v. Smith, 186 F.3d 290 (3rd Cir. 1999)(conduct underlying defendants' convictions for conspiracy to defraud, interstate transportation of

stolen property, causing unlawful interstate travel with intent to distribute stolen property, and money laundering, which arose from embezzlement/kickback scheme, fell outside heartland of money laundering guideline, and, instead, use of fraud guidelines was proper).

United States v. Warren, 186 F.3d 358 (3rd Cir. 1999)(large quantities of drugs possessed by defendant did not warrant upward departure where defendant didn't intend anyone to consume the drugs; statement in PSR about defendant's purported other criminal activities was too ambiguous and attenuated to support upward departure).

United States v. Mikalajunas, 186 F.3d 490 (4th Cir. 1999)(actual innocence exception to procedural default applies in noncapital sentencing only in the context of eligibility for application of a career offender or other habitual offender provision under sentencing guidelines).

United States v. Debeir, 186 F.3d 561 (4th Cir. 1999)(unique psychological condition, unusual susceptibility to abuse in prison, status as resident alien, employment consequences, negative publicity, fact that defendant was not a pedophile, alleged victimless nature of offense did not warrant downward departure).

Morris v. Cain, 186 F.3d 581 (5th Cir. 1999)(reasonable doubt instruction using terms "grave uncertainty," "actual or substantial doubt," and "moral certainty" violated due process clause).

United States v. Brown, 186 F.3d 661 (5th Cir. 1999)(expenditures made for legitimate business expenses did not amount to money laundering, although expenditures permitted defendant to stay in business and thus

generally allowed for future fraudulent activities).

United States v. Manske, 186 F.3d 770 (7th Cir. 1999)(defendant entitled to cross-examine witness about alleged threats of violence and intimidation of persons who might incriminate witness in criminal proceedings since such evidence implicated witness's truthfulness).

United States v. McKnight, 186 F.3d 867 (8th Cir. 1999)(government did not violate plea agreement when it made substantial assistance departure motion yet, at same time, disclosed to court certain wrongful conduct by defendant in his alleged attempt to implicate innocent person in criminal conduct).

Johnson v. United States, 186 F.3d 876 (8th Cir. 1999)(failure to hold evidentiary hearing to determine whether defendant was actually innocent of crime of conviction or any more serious charges which were dropped in exchange for guilty plea was error).

United States v. Russell, 186 F.3d 883 (8th Cir. 1999)(indictment under Deadbeat Parents Punishment Act (DPPA) did not violate ex post facto clause although accumulation of \$10,000 in past due support obligations occurred prior to enactment of DPPA).

United States v. Villiard, 186 F.3d 893 (8th Cir. 1999)(appellate court hesitant to find abuse of discretion in denying expert eyewitness identification testimony unless government's case rested exclusively on uncorroborated eyewitness testimony).

United States v. Weathers, 186 F.3d 948 (D.C. Cir. 1999)(remand for evidentiary hearing on ineffective

assistance claim).

United States v. Pospisil, 186 F.3d 1023 (8th Cir. 1999)(Remand due to lack of proof that defendant knew or should have known victims were vulnerable victims under U.S.S.G. § 3A1.1(b)(1)).

United States v. Armstrong, 186 F.3d 1055 (8th Cir. 1999)(invalid probation condition prohibiting defendant from reentering park for non-business activities in prosecution for violation of National Park Service regulation).

United States v. Fiorillo, 186 F.3d 1136 (9th Cir. 1999)(loss calculation erroneous; written judgment inconsistent with oral pronouncement).

United States v. Monzon-Valenzuela, 186 F.3d 1181 (9th Cir. 1999)(insufficient factual findings to support enhancement for obstruction of justice).

United States v. Vigneau, 187 F.3d 70 (1st Cir. 1999)(name, address, and telephone number on money order company's forms not admissible under business records exception to hearsay rule and admission of hearsay was not harmless as to money laundering counts).

United States v. Prochilo, 187 F.3d 221 (1st Cir. 1999)(denial of motion for continuance abuse of discretion where defendant requested time to retain counsel because of differences with appointed counsel).

United States v. Robinson, 187 F.3d 516 (5th Cir. 1999)(no voluntary waiver of right to appeal; two prior state convictions which were part of common scheme treated as one for career offender purposes).

Brown v. O'Dea, 187 F.3d 572 (5th

Cir. 1999)(one year grace period under AEDPA; petition not successive).

United States v. Poppa, 187 F.3d 672 (D.C. Cir. 1999)(47 U.S.C. §223(a)(1)(C) unconstitutional as applied to defendant who made phone calls to U.S. Attorney containing racial epithets).

Hooker v. Sivley, 187 F.3d 680 (5th Cir. 1999)(district court lacked jurisdiction to construe habeas petition as motion to vacate without prior authorization from Court of Appeals).

United States v. Turchen, 187 F.3d 735 (7th Cir. 1999)(district court lacked jurisdiction to entertain government's motion to reduce sentence after notice of appeal filed).

Mills v. Norris, 187 F.3d 881 (8th Cir. 1999)(petitioner's appeal from denial of his state court petition for post-conviction relief tolled limitations period under AEDPA until end of 90-day period for perfecting state court appeal, even though petitioner did not perfect such an appeal).

United States v. Ramos-Torres, 187 F.3d 909 (8th Cir. 1999)(inadvertently giving jury instruction relating to dismissed forfeiture count against defendant rose to level of structural error rendering trial fundamentally unfair and requiring reversal).

Miles v. Prunty, 187 F.3d 1104 (9th Cir. 1999)(habeas limitations period equitably tolled where actions of prison officials prevented defendant from meeting deadline).

United States v. Johnson, 187 F.3d 1129 (9th Cir. 1999)(government breached plea agreement by using victim impact statement to influence trial judge to deviate from low end of

guidelines).

United States v. Samaniego, 187 F.3d 1222 (10th Cir. 1999)(government failed to lay proper basis for admissibility of summaries of phone records at trial; Court of Appeals declined to apply harmless error rule because government failed to raise it in briefs).

United States v. Garth, 188 F.3d 99 (3rd Cir. 1999)(movant entitled to show that he was actually innocent of firearms offense so as to overcome procedural default of challenge to guilty plea for that offense).

United States v. Lloyd, 188 F.3d 184 (3rd Cir. 1999)(claim not time-barred when filed within one year of Supreme Court and Circuit decisions recognizing right to raise Bailey claim on collateral review).

United States v. Lander, 188 F.3d 190 (3rd Cir. 1999)(defendants's statement at hearing on factual basis of pleas not "stipulations" supporting application of fraud guideline; district court erred in calculating loss to victim and defendants's ability to pay fine; reassignment on remand to different district judge unwarranted).

Bledsue v. Johnson, 188 F.3d 250 (5th Cir. 1999)(although petitioner failed to seek discretionary review by Court of Criminal Appeals following affirmance of conviction by intermediate court, application for habeas relief to Court of Criminal Appeals sufficient to exhaust state remedies; pro se petitioner's claim of insufficient proof of intent implicitly presented issue of weight so as to avoid procedural bar).

United States v. Coleman, 188 F.3d 354 (6th Cir. 1999)(en banc)(district court may grant downward departure based upon government's improper

investigatory techniques).

United States v. Gomez-Orozco, 188 F.3d 422 (7th Cir. 1999)(defendant, who pleaded guilty to illegal re-entry by an alien, entitled to withdraw plea in light of new evidence that he is an American citizen).

United States v. Heath, 188 F.3d 916 (7th Cir. 1999)(evidence of prior incident in which defendant was arrested on weapons charge not admissible under other acts rule).

Parker v. Bowersox, 188 F.3d 923 (8th Cir. 1999)(penalty-phase counsel ineffective in death penalty case in failing to call former attorney to testify that petitioner was aware prior to date of murder that victim was no longer a potential witness against him).

United States v. Brings Plenty, 188 F.3d 1051 (8th Cir. 1999)(revocation sentence of 2 years supervised release exceeded maximum allowed where maximum SRT for original conviction was 3 years, 12-month prison term imposed for current revocation, and defendant had previously served 6-month revocation term).

United States v. Vega, 188 F.3d 1150 (9th Cir. 1999)(failure to provide reasonable notice of intent to rely on other acts evidence rendered the evidence inadmissible; not harmless error).

Bowen v. Roe, 188 F.3d 1157 (9th Cir. 1999)(statute of limitations on habeas petition began to run on date petitioner's time for seeking certiorari from Supreme Court expired).

United States v. Yazzie, 188 F.3d 1178 (10th Cir. 1999)(instruction on lesser-included offense required; defendant's refusal to sign waiver of Miranda rights form overridden by his verbal indication that he understood his

rights and was willing to talk to police).

Phoenix v. Matesanz, 189 F.3d 20 (1st Cir. 1999)(determination by gatekeeper justice on state supreme court that petitioner's ineffective assistance of counsel claim was not substantial and thus did not warrant further state court review does not preclude federal habeas review).

United States v. Bradbury, 189 F.3d 200 (2nd Cir. 1999)(enhancement for obstruction of justice not supported by record; post-plea disclosures that amount of narcotic involved in kidnapping conspiracy was greater than indicated in plea agreement could not be considered in determining base offense level).

United States v. Eske, 189 F.3d 536 (7th Cir. 1999)(Imposition of three years of government restraint upon revocation of supervised release violated ex post facto clause).

United States v. Riley, 189 F.3d 802 (9th Cir. 1999)(Agent's intentional destruction of notes of interview with confidential informant violated Jencks Act).

United States v. Lawrence, 189 F.3d 838 (9th Cir. 1999)(Abuse of discretion to allow evidence of circumstances of unconventional marriage relationship in mail fraud prosecution; error in failing to consider ability to pay in fashioning restitution order).

United States v. Garcia-Sanchez, 189 F.3d 1143 (9th Cir. 1999)(defendant, an independent seller, could not be held accountable for entire amount attributed to conspiracy; unreliable evidence of conspiracy's sales).

Crease v. McKune, 189 F.3d 1188 (10th Cir.)(harmless error standard,

not plain error standard applies to claimed error of judge communicating with juror outside defendant's presence)

United States v. Bao, 189 F.3d 860 (9th Cir. 1999)(Admission of statement as prior inconsistent statement was erroneous; overvaluation of counterfeit manuals on applying offense level enhancements).

United States v. Mayfield, 189 F.3d 895 (9th Cir. 1999)(abuse of discretion for failure to sever trials-mutually exclusive defenses presented Confrontation Clause problem).

Smith v. Stewart, 189 F.3d 1004 (9th Cir. 1999)(counsel's nonstrategic failure at resentencing to investigate, develop and present new mitigating evidence was deficient and undermined confidence in decision to reimpose death sentence).

United States v. Ahumada-Aguilar, 189 F.3d 1121 (9th Cir. 1999)(in prosecution for illegal reentry of alien, additional proof-of-paternity requirement imposed on citizen father was sex-based violation of equal protection).

United States v. Garcia-Sanchez, 189 F.3d 1143 (9th Cir. 1999)(Defendant not to be held accountable for entire amount of drugs sold by conspiracy where evidence established he was only individual seller; evidence of conspiracy's sales based on unreliable evidence).

United States v. Anderson, 189 F.3d 1201 (10th Cir. 1999)(insufficient evidence of money laundering; insufficient evidence to support finding that defendant was manager, organizer, leader or supervisor).

United States v. Charley, 189 F.3d 1251 (10th Cir. 1999)(insufficient evidence of one count in prosecution for child abuse on Indian reservation).

Hull v. Kyler, 190 F.3d 88 (3rd Cir. 1999)(trial counsel ineffective for deficient performance at competency hearing).

United States v. Geiger, 190 F.3d 661 (5th Cir. 1999)(vulnerable victim does not apply when United States is victim).

United States v. Reveles, 190 F.3d 678 (5th Cir. 1999)(insufficient evidence in 21 U.S.C. 846 prosecution).

United States v. Rudolph, 190 F.3d 720 (6th Cir. 1999)(district court may depart downward on the basis of defendant's post-sentence rehabilitation).

United States v. Merino, 190 F.3d 956 (9th Cir. 1999)(Environmental clean-up cost of \$32,000 was not "substantial" expenditure warranting sentence enhancement).

United States v. Shipsey, 190 F.3d 1081 (9th Cir. 1999)(Constructive amendment of indictment by district court required reversal).

Bell v. Hill, 190 F.3d 1089 (9th Cir. 1999)(Defendant has constitutional right under Sixth Amendment to appointed counsel for purposes of new trial motion).

Jurado-Gutierrez v. Greene, 190 F.3d 1135 (10th Cir. 1999)(Habeas claim challenging deportation cognizable under 28 U.S.C. § 2841).

United States v. Allen, 190 F.3d 1208 (11th Cir. 1999)(intent to use as a weapon a "prohibited object" is element of offense and not merely

sentencing factor, following Jones v. United States, 119 S. Ct. 1215 (1999)).

United States v. Tubol, 191 F.3d 89 (2nd Cir. 1999)(improper joinder of robbery counts and improper testimony about unrelated bombing).

United States v. Schreiber, 191 F.3d 103 (2nd Cir. 1999)(defendant entitled to safety valve despite previous lies and obstruction as long as he truthfully provided information re: offenses at issue).

Smalls v. Batista, 191 F.3d 272 (2nd Cir. 1999)(improperly coercive Allen charge not harmless).

United States v. Walker, 191 F.3d 326 (2nd Cir. 1999)(insufficient evidence in one count of making false statements to INS).

United States v. Thorpe, 191 F.3d 339 (2nd Cir. 1999)(incorrect belief by district court that Guidelines required a downward departure before non-custodial probationary sentence could be imposed).

United States v. Loy, 191 F.3d 360 (3rd Cir. 1999)(remand for district court to state reasons for imposing additional conditions of supervised release).

United States v. Ruhe, 191 F.3d 376 (4th Cir. 1999)(different approach required in determining loss in ITAR prosecution).

United States v. Feurtado, 191 F.3d 420 (4th Cir. 1999)(sentences in excess of those in defendants' guilty pleas improper).

United States v. Damon, 191 F.3d 561 (4th Cir. 1999)(remand necessary to determine if failure to determine at plea colloquy extent defendant's

medication had on ability to make voluntary plea was harmless error).

United States v. Jeter, 191 F.3d 637 (6th Cir. 1999)(fact that defendant engaged in additional criminal conduct after his arrest and indictment on state charges did not preclude finding of acceptance of responsibility on subsequent federal charges).

Hampton v. United States, 191 F.3d 395 (6th Cir. 1999)(habeas motion remanded to determine issue of actual innocence).

Atley v. Ault, 191 F.3d 865 (8th Cir. 1999)(writ granted due to constitutional defect that state court's Holloway inquiry into conflict of interest raised by defense counsel was "unreasonable application of clearly established federal law").

United States v. Gwinn, 191 F.3d 874 (8th Cir. 1999)(officer's manipulation of exterior of soft-sided bag in overhead train storage compartment was unlawful search).

United States v. Al-Muqsit, 191 F.3d 928 (8th Cir. 1999)(Confrontation Clause rights violated when nontestifying co-defendant's post-arrest statements were presented to jury in violation of Bruton).

Holt v. Bowersox, 191 F.3d 970 (8th Cir. 1999)(remand necessary to determine mental competency during period of post-conviction relief).

Keating v. Hood, 191 F.3d 1053 (9th Cir. 1999)(habeas relief warranted because omission of mens rea element from instruction on securities charges violated due process and it is possible that jury relied on legally erroneous direct perpetrator theory).

United States v. Torres-Otero, 192 F.3d 12 (1st Cir. 1999)(remand of denial of motion to vacate necessary to determine if petitioner had knowledge of right to appeal in absence of district court's informing him of that right).

United States v. Colon-Munoz, 192 F.3d 210 (1st Cir. 1999)(insufficient evidence to support conviction for misapplication of bank funds and making false statement on loan document).

United States v. Stevens, 192 F.3d 263 (2nd Cir. 1999)(inadequate reasons for upward departure from recommended supervised release term).

United States v. Gonzalez, 192 F.3d 350 (2nd Cir. 1999)(improper "backdating" of sentence to date of state arrest; co-defendant entitled to credit for time already served while in federal custody).

United States v. Layne, 192 F.3d 556 (6th Cir. 1999)(insufficient evidence support crack cocaine conviction; defendant did not "use" or "carry" firearm during and in relation to drug trafficking offense).

United States v. Harris, 192 F.3d 580 (6th Cir. 1999)(It was structural error for district court to justify exclusion of African-American prospective jurors solely because one African American was actually seated and two others who were struck would have only served as alternates).

United States v. Pasillas-Gaytan, 192 F.3d 864 (9th Cir. 1999)(error not to include mens rea requirement in instructions in prosecution for unlawful procurement of naturalization and error not harmless; acquittal on false statement count precluded retrial).

Young v. Weston, 192 F.3d 870 (9th Cir. 1999)(evidentiary hearing necessary on ex post facto and double jeopardy claims because petitioner alleged facts which, if proven, would establish punitive nature of his confinement).

United States v. Dutkel, 192 F.3d 893 (9th Cir. 1999)(co-defendant's bribery and coercion of juror was prima facie jury tampering with respect to habeas petitioner).

In re Sealed Case No. 99-3091, 192 F.3d 995 (D.C. Cir. 1999)(excerpt from newspaper article did not amount to prima facie violation of the grand jury secrecy rule).

United States v. Kanchanalak, 192 F.3d 1037 (D.C. Cir. 1999)(indictment sufficiently alleged causation element of charge of causing false statement to be made to Federal Election Comm'n).

Newman v. Hopkins, 192 F.3d 1132 (8th Cir. 1999)(criminal defendants have due process right to introduce voice exemplar without waiving 5th Amendment privilege against self-incrimination).

United States v. Portillo-Cano, 192 F.3d 1246 (9th Cir. 1999)(Court of Appeals had jurisdiction to determine whether plea was valid in order to assess enforceability of defendant's purported waiver of right to appeal).

United States v. Duran-Orozco, 192 F.3d 1277 (9th Cir. 1999)(remand for determination whether affidavit sufficient for probable cause after portion of affidavit based upon agents's warrantless search was struck).

Wilson v. United States Parole Comm'n, 193 F.3d 195 (3rd Cir. 1999)(Parole Commission's rescission

guideline for new criminal behavior after sentence is commenced did not apply to prisoner's conduct of attempting to contract for murders while in federal custody).

United States v. Holmes, 193 F.3d 200 (3rd Cir. 1999)(upward departure for extraordinary abuse of trust upheld; proper factual inquiry not made before determining restitution amount).

United States v. Wyly, 193 F.3d 289 (5th Cir. 1999)(sufficient evidence of mail fraud; prosecutor's rebuttal argument accusing defendants of uncharged thefts not prejudicial in light of cautionary instructions and overwhelming evidence of guilt; error in instructing juror on duress defense harmless where jury not misled or confused).

United States v. Zedner, 193 F.3d 562 (2nd Cir. 1999)(district court had substantial reason to doubt defendant's competence, and thus was required to appoint counsel to represent him at competency hearing).

Hohn v. United States, 193 F.3d 921 (8th Cir. 1999)(claim under *Bailey v. United States* was constitutional in nature entitling defendant to certificate of appealability).

United States v. Jones, 193 F.3d 948 (8th Cir. 1999)(juror's voir dire answers indicated she was biased in favor of police; failure to strike her for cause was reversible error).

United States v. Tovar-Valdivia, 193 F.3d 1025 (8th Cir. 1999)(Terry did not authorize a pat-down for weapons after search of the suspect's bag dispelled officer's reasonable suspicion; Terry did not authorize handcuffing and searching suspect after initial pat-down did not confirm

existence of a weapon or contraband).

Latorre v. United States, 193 F.3d 1035 (8th Cir. 1999)(petitioner entitled to hearing on claim of actual innocence despite his admissions during plea colloquy and via affidavit in subsequent post-conviction proceedings).

United States v. Lawton, 193 F.3d 1087 (9th Cir. 1999)(upward departure based on the suspected but unchanged real offense conduct of assault was plain error).

United States v. Morales-Alejo, 193 F.3d 1102 (9th Cir. 1999)(person in pretrial detention is not "imprisoned" in connection with a conviction as would toll term of supervised release).

United States v. Askew, 193 F.3d 1181 (11th Cir. 1999)(evidence did not support finding that defendant had reason to believe that stolen firearms would be used in another felony, and thus did not support enhancement under sentencing guidelines).

Chandler v. United States, 193 F.3d 1297 (11th Cir. 1999)(failure to investigate defendant's good character in death case ineffective assistance).

United States v. Rivera-Maldonado, 194 F.3d 224 (1st Cir. 1999)(district court's finding as to drug quantity under sentencing guidelines lacked sufficient indicia of reliability where district court utilized incorrect metric conversions and presentence report failed to break down drug quantity by drug type and failed to indicate how total drug quantity was calculated).

Cullen v. United States, 194 F.3d 401 (2nd Cir.1999)(in habeas action district judge not entitled to reject magistrate judge's proposed finding of

prejudice without hearing movant's testimony and making credibility determination).

United States v. Medford, 194 F.3d 419 (3rd Cir. 1999)(selection of midpoint between high and low estimates of stolen items' fair market value, as measure of loss, was arbitrary; upward departure was improper absent notice to defendants; upward departure based on cultural, non-monetary value of stolen items was proper).

Spicer v. Roxbury Correctional Institute, 194 F.3d 547 (4th Cir. 1999)(witness's prior inconsistent statement that he did not see petitioner on day of charged offense was impeachment evidence that had to be disclosed under Brady).

United States v. Johnson, 194 F.3d 657 (5th Cir. 1999)(in prosecution for church burning under federal arson statute, factual basis for guilty plea insufficient where only evidence of interstate commerce nexus was out-of-state insurer's payment to church and fact that church was a dues-paying member of an organization that funded a national body).

United States v. Powers, 194 F.3d 700 (6th Cir. 1999)(weight of LSD should not have been determined in accordance with statute setting forth mandatory minimum sentence when defendant sentenced under safety valve).

United States v. Jankowski, 194 F.3d 878 (8th Cir. 1999)(defendant's position as messenger for armored car company was not "position of public or private trust" within meaning of sentencing guidelines' abuse of position of trust enhancement).

United States v. Beaulieu, 194 F.3d 918 (8th Cir. 1999)(district court

abused discretion in child molestation case in admitting statements child made as prior consistent statements and statements made for purposes of medical diagnosis or treatment).

White v. Helling, 194 F.3d 937 (8th Cir. 1999)(in habeas action district court should have permitted petitioner to introduce evidence that was not offered before state courts; withheld evidence regarding timing of victim's identification of defendant as robber was material under Brady).

United States v. Meador, 195 F.3d 66 (1st Cir. 1999)(remand for more specific factual finding re: three point base offense level reduction for incomplete conspiracy).

United States v. SKW Metals & Alloys, Inc., 195 F.3d 83 (2nd Cir. 1999)(misapplication of "volume of commerce provision of guidelines; misapprehension of authority to consider acquitted conduct).

Williams v. Edwards, 195 F.3d 95 (2nd Cir. 1999)(remanded to allow Petitioner to amend to challenge illegal enhancement).

United States v. Kirkham, 195 F.3d 126 (2nd Cir.1999)(conviction for failing to appear must be grouped with underlying conviction for making false statements).

United States v. Richardson, 195 F.3d 317 (7th Cir. 1999)(remanded for dismissal of CCE count due to improper jury instructions).

United States v. Linick, 195 F.3d 538 (9th Cir. 1999)(statute prohibiting use of national forest system land without permit held unconstitutionally overbroad on its face; due process required dismissal).

United States v. Valdez, 195 F.3d 544

(9th Cir. 1999)(motion to vacate firearms conviction, premised on Bailey, was timely when filed prior to Bousley decision, which recognized right to raise Bailey claim on collateral review).

United States v. Santos, 195 F.3d 549 (9th Cir. 1999)(drug quantities triggering mandatory minimum sentences under 21 U.S.C. § 841(b) are determined exclusively by reference to offense of conviction and not by relevant conduct, abrogating United States v. Keyes, 40 F.3d 1148 and following great weight of authority from other circuits).¹

United States v. Applewhaite, 195 F.3d 679 (3rd Cir. 1999)(insufficient evidence to support carjacking convictions).

United States v. Cornett, 195 F.3d 776 (5th Cir. 1999)(co-conspirator's statements not in furtherance of the conspiracy were not hearsay; and admission was not harmless).

United States v. Echegollen-Barrueta, 195 F.3d 786 (5th Cir. 1999)(denial of right to plea allocution).

United States v. Cones, 195 F.3d 941 (7th Cir. 1999)(unusually high purity of heroin did not justify upward departure).

United States v. Martin, 195 F.3d 961 (7th Cir. 1999)(Defendant's conduct did not cause entire loss; thus amount of restitution under MRVA was excessive).

United States v. Symington, 195 F.3d 1080 (9th Cir. 1999)(error to dismiss

juror during deliberations because reasonable possibility existed that impetus for dismissal was her position on merits of case).

Moore v. Gibson, 195 F.3d 1152 (10th Cir. 1999)(state appellate court's determination that unusual conduct by detectives in collecting hair and fiber samples was not material for purposes of Brady was unreasonable).

United States v. Gallo, 195 F.3d 1278 (11th Cir. 1999)(Reasonable foreseeability required to enhance drug sentence based on co-conspirator's possession of firearm).

United States v. Rivera, 196 F.3d 144 (2nd Cir. 1999)(five-year increase of sentence based on defendant's refusal to cooperate with government violated defendant's Fifth Amendment right against self-incrimination).

United States v. Rhynes, 196 F.3d 207 (4th Cir. 1999)(improper sentences exceeding statutory maximum).

United States v. Smith, 196 F.3d 676 (6th Cir. 1999)(district court double counted when it applied specific offense characteristics for firearm discharge, use or possession in conviction under 18 U.S.C. § 922(g)).

United States v. Hunte, 196 F.3d 687 (7th Cir. 1999)(defendant qualified for minor or minimal participant adjustment).

Robinson v. United States, 196 F.3d 748 (7th Cir. 1999)(defendant who pled guilty did not thereby waive double jeopardy claim that defendant could not be convicted of both conspiracy and CCE; double jeopardy challenge not barred by Teague).

Johnson v. United States, 196 F.3d 802 (7th Cir. 1999)(proposed

amendment to motion to vacate filed before AEDPA effective date not a "second or successive" petition even though amendments filed after AEDPA effective date).

United States v. Pagan, 196 F.3d 884 (7th Cir. 1999)(clear error in holding one defendant responsible for whole truckload of drugs and for determining that defendant was manager or supervisor).

United States v. Ramirez, 196 F.3d 895 (8th Cir. 1999)(improper relevant conduct finding where fraud loss included claims filed in forfeiture proceedings; restitution order limited to loss involved in charged conduct).

Swoopes v. Sublet, 196 F.3d 1008 (9th Cir. 1999)(Arizona has declared that discretionary review by Arizona Supreme Court is not included in its "complete round" of established appellate review, and hence need not be sought for federal habeas corpus exhaustion purposes pursuant to O'Sullivan v. Boerckel).

U.S. v. Fowler, 198 F.3d 808 (11th Cir. 1999) (Federal law prohibiting a convicted felon from carrying a firearm does not apply to a defendant whose civil and political rights were restored by the State without limitations.)

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¹The decision cites no authority on this issue from the Eleventh Circuit.

Summary of
Alabama Contract Drug/Alcohol Treatment Providers

Name/Address Phone/Fax	Program Description	Requirements	Length of Program
Aletheia House P.O. Box 1514 Birmingham, AL 35201 (205)324-6502	<i>Men's Residential Rehab. Program</i> Drug-free residential living, skills for independent living, linkage for rehab. support to NA, AA, CA.	Two previous treatment attempts, addicted to alcohol or drugs, physically and psychiatrically stable, agree to terms of program.	90 days
	<i>Men's IOP (Intensive Out Patient)</i> Intensive indiv. and group counseling, family education, AIDS/HIV education, basic living skills education, linkage to other social service providers.	Two previous treatment attempts, addicted to alcohol or drugs, resident of the Aletheia House residential program.	90 days
	<i>Women's Pregnancy Residential Rehab.</i> drug-free residential living, practical skills for independent living, linkage for rehab. support to NA, AA, CA	Pregnant/early postpartum or 2 previous treatment attempts, addicted to drugs or alcohol, physically/psychiatrically stable, agree to terms.	90 days
	<i>Women's IOP</i> Intensive indiv. and group counseling, family education, AIDS/HIV education, basic living skills education, linkage to other social service providers.	Pregnant/early postpartum or 2 previous treatment attempts, addicted to drugs or alcohol, resident of Aletheia House Pregnancy Rehab. Program, agree to terms.	90 days
The Bridge, Inc. 3232 Lay Springs Rd. Gadsden, AL 35904 (256)546-6324 (256)547-2558 (fax)	<i>Residential Program</i> - drug treatment for adolescent males 13-18.	Treatment fees are based on parent income on a sliding fee scale, court referrals are accepted.	60 days

<p>Cahaba Cares 912 Jeff Davis Ave. Selma, AL 36701</p>	<p><i>Adult IOP</i> - recovery skills building, stabilization, continuing care outpatient, aftercare, holistic approach, group indiv/family therapy, linkage to AA,NA</p>		<p>1 year</p>
<p>Cahaba Cares 900 Church Street Selma, AL 36701</p>	<p><i>Women's IOP</i> -, AA/NA support activities, child care; referral to medical care, transportation, smoking cessation, addiction treatment, skills building, parenting training, aftercare.</p>	<p>Pregnant women and women with dependent children with diagnosable psychoactive substance use disorder.</p>	<p>1 year</p>
<p>CAP, Inc. 1153 Air Base Blvd. Montgomery, Al 36108 (334)269-2150 (334)265-0475(fax)</p>	<p><i>Adult IOP</i> - Identification of addiction, stabilization, foundation (transition from treatment to new lifestyle) through group, individual/family therapy; self-help (AA/NA).</p>		<p>5-6 months</p>
	<p><i>Crisis Residential Program</i> - substance abuse ed., group therapy, individual and family counseling, self-help groups, addresses immediate issues and provides a foundation for long-term recovery, counseling for re-entry into work force and return to family/parental responsibility.</p>		<p>30 days</p>
<p>Fellowship House for Men 312 S. Fifth Street Gadsden, AL 35901 (256)546-8247 (256)546-8282 (fax)</p>	<p><i>Residential Program for Men</i> - alcohol and drug free environment, supportive counseling, rehab. support with linkage/referrals to vocational rehab., job placement, educational and social rehab. opportunities, motivational counseling.</p>	<p>18 or older, abide by house rules, assessment from Dept. of Mental Health authorized agency, TB test report, free of drugs and alcohol for at least 72 hours, willing to undergo 7-14 day initial screening needs assessment.</p>	

<p>Fellowship House 1625 12th Ave. S. Birmingham, AL 35205 (205)933-2430</p>	<p><i>Residential Program for Men and Women</i> - based on AA philosophy, aid the alcohol/drug addict in personal, social, vocational adjustments, on site AA and NA meetings, can be followed by an apartment program.</p>	<p>19 or older, assessment from agency authorized by Dept. of Mental Health with a drug/alcohol diagnosis, social security card, free of drugs/alcohol for at last 72 hours.</p>	<p>2 months</p>
<p>Gadsden Treatment Center, Inc. 1107 West Meighan Gadsden, AL 35901 (205)549-0807 (205)549-0887 (fax)</p>	<p><i>IOP</i> - treats narcotic addicts through methadone maintenance and counseling services, Phase II take home doses available, detoxification treatment after methadone treatments, chemical dependency counseling.</p>	<p>Payment of intake fee, urine sample positive for opiate drug or opioid addiction of at least 1 year, assessment by counselor, essential consent forms, physical exam by Med. Director.</p>	<p>2 years</p>
<p>New Horizons Recovery Center 600 St. Clair Ave. Huntsville, AL 35801 (205)532-4141</p>	<p><i>IOP</i> - individual, group and family counseling, continued care for patient and family with no limit to participation.</p>	<p>Reside or work in Huntsville or Madison County, participation in 12-step group while involved with program.</p>	<p>10 weeks</p>
<p>Indian Rivers Insight Center, 3532 23rd St, Tuscaloosa, AL 35401 (205)391-0132 (205)349-6486 (fax)</p>	<p><i>IOP Program - The Stallings Center</i> - assessment of and referral of substance abusers to treatment programs within Indian Rivers.</p>	<p>Reside in Tuscaloosa, Bibb and Pickens County, does not require immediate hospitalization, is not suicidal or assaultive.</p>	<p>1-2 hours</p>
	<p>Residential Program Name: <i>A Woman's Place</i> - treatment of addiction issues, addressing sobriety, denial, parenting, health, sexuality, sexual assault, abuse, and skill building.</p>	<p>Substance abuse diagnosis, a commitment to sobriety, adequate off site support.</p>	<p>28 days</p>
	<p><i>IOP Drug Court Treatment Program</i> - abstinence and group based, high in therapeutic contact, allows patient to maintain connections with, and responsibilities to family/job and support system.</p>	<p>Substance abuse diagnosis, a commitment to sobriety, adequate off site support.</p>	<p>82 weeks</p>

	Outpatient Program Name: <i>The Dreams Project</i> - psychological assessment, substance abuse treatment, referral to inpatient treatment; aftercare services, dual diagnosis groups.	Female substance abusers who are pregnant or have dependent children.	As Needed
	Program Name: <i>IOP</i> - abstinence and group based, high in therapeutic contact, allows patient to maintain connections with, and responsibilities to family/job and support system.	Substance abuse diagnosis, a commitment to sobriety, adequate off site support.	11-19 weeks
Lighthouse Counseling Center	<i>IOP</i> - provides group, individual, family and case management services for chemical dependency, rape and parenting.	18 years of age or older, sliding fee arrangements except for parenting and rape programs.	As Needed
Chilton/Shelby Mental Health Center P.O. Drawer 689 Calera, AL 35040 (205)668-2700 (205)668-2437	<i>Adult IOP</i> - drug and alcohol treatment in the evening hours, psychological assessment, individual, group and family counseling, crisis intervention, supportive counseling, coping skills and relationship issues.	Substance abuse diagnosis, assume responsibility for behavioral change, court referral.	12 weeks
Northwest Alabama Treatment Center 709 Memorial Drive Bessemer, AL 35023 (205)425-1200 (205)425-9606	<i>Opiate Dependency Clinic</i> - patients are treated with Methodone to block their opiate dependency, intensive counseling to increase stability.		
Oakmont Center 1915 Ave. H. Ensley, Birmingham, AL 35218	<i>Adult IOP</i> - substance abuse/dependency education and treatment, individual counseling, extensive use of audio-visual materials and reading assignments, speakers and seminars, prevention education.	Ambulatory patients with no severe physical and/or mental handicaps, assessment with a diagnosis of drug/alcohol addiction.	17 weeks

<p>Olivia's House 2101 Daniel Payne Dr B'ham, AL 35214 (205)791-2042 (205)791-1592 (fax)</p>	<p><i>Residential Program</i> - holistic residential substance abuse treatment facility for women with dependent children providing a gender and culturally sensitive environment, improvement of the outcome of substance exposed children and the economic outlook for the women and their children.</p>	<p>Women must be chemically dependent and meet the criteria for DSM-IV, must have custody of at least 1 child between 0-10 yrs., recent psychological assessment.</p>	<p>12 months</p>
<p>The Pathfinder 3104 Ivy Avenue Huntsville, AL 35805 (205)534-7644 (205)533-0760 (fax)</p>	<p><i>Residential Program</i> - Phase I Rehabilitation planning, supportive counseling, recovery education. Phase II, Half-Way Status designed to prepare resident for chemical-free, independent living, by providing support, guidance and consistency, Phase III available for patients requiring an extended stay.</p>	<p>State Adult Psychological Assessment, referral from primary treatment.</p>	<p>Phase I 7-30 days Phase II 7 day-6 mo Phase III 6-12 mos.</p>
<p>Pearson Hall 2701 Jefferson Ave. Birmingham, Al 35211 (205)923-6552 (205)923-9826 (fax)</p>	<p><i>Residential Program</i> - information films, lectures; individual, group and HIV counseling, nutrition, fitness and constant medically evaluation, intro to AA, CA & NA.</p>	<p>Diagnosis of Substance Abuse Disorder as defined by the DSM-IV</p>	<p>42 days maximum</p>
	<p><i>Continuing Care (IOP)</i> - weekly meetings providing continued support, attendance at CA, NA and AA meeting are also continue as part of recovery.</p>		<p>As Needed</p>
	<p><i>Family Care</i> - an educational program for the family of substance abusers utilizing lectures, group counseling, individual counseling, problem solving, introduction to Alanon and Alateen.</p>		<p>As Needed</p>
<p>Phoenix House 700 35th Avenue Tuscaloosa, AL 35401 (205)758-3867 (205)758-3803</p>	<p><i>Residential Program</i> - long-term residential program for men and women suffering from substance addiction based on the 12 step program to include AA, NA & CA, individual, group and family counseling, job guidance and placement.</p>	<p>State psychological assessment with a diagnosis of substance addiction.</p>	<p>90-180 days</p>

<p>Phoenix House 700 35th Avenue Tuscaloosa, AL 35401 (205)758-3867 (205)758-3803</p>	<p><i>Residential Program</i> - long-term residential program for men and women suffering from substance addiction based on the 12 step program to include AA, NA & CA, individual, group and family counseling, job guidance and placement.</p>	<p>State psychological assessment with a diagnosis of substance addiction.</p>	<p>90-180 days</p>
<p>Quest Recovery Ctr. 1312 Somerville Rd SE Decatur, AL 35601</p>	<p><i>Intensive Outpatient Program</i> - Substance abuse treatment involving group therapy, educational lectures, continuing care.</p> <p><i>Quest Care</i> - specialized intensive outpatient treatment program for pregnant addicted women and women with dependent children, parenting education.</p> <p><i>Recovery Center for Teens</i> - drug screening, referral assistance, GED, group therapies, family services, individual therapy</p>	<p>Residents of Lawrence, Limestone and Morgan Counties.</p> <p>Residents of Lawrence, Limestone and Morgan Counties.</p> <p>Teens 13-18 years of age at risk of, or experiencing substance abuse problems</p>	<p>12-14 weeks</p> <p>3 months</p> <p>6-9 weeks</p>
<p>Serenity Home for Women 118 South Tenth St. Gadsden, AL 35901 (256)547-1577</p>	<p><i>Residential Program</i> - alcohol and drug free environment, supportive counseling, rehab. support with linkage/referrals to vocational rehab., job placement opportunities, educational opportunities, motivational counseling.</p>	<p>18 or older, assessment from Dept. of Mental Health authorized agency, TB test report, free of drugs/alcohol for 72 hrs. prior to admission.</p>	<p>1 month</p>
<p>St. Anne's Home 2772 Hanover Circle Birmingham, AL 35205 (205)933-2402</p>	<p><i>Residential Program</i> - for women suffering from substance addiction.</p>	<p>Must have an assessment diagnosing substance addiction, must have completed primary treatment, if incarcerated, must have a discharge date.</p>	<p>90 days</p>
<p>West Alabama Mental Health Center 1215 S. Walnut Ave. Demopolis, AL 36732 (334)289-2410 (334)289-2416 (fax)</p>	<p><i>Substance Abuse Program (SAP)</i> Long term service in a least restrictive environment appropriate for the severity of the substance dependency problem, assessment of patient for residential treatment.</p>	<p>Substance Abuse Disorder as defined by DSM, if court ordered as part of sentencing, must provide nature of charges.</p>	<p>4 months</p>