CONSPIRACY

SIXTH CIRCUIT

United States v. LaPointe, 690 F.3d 434 (6th Cir. 2012)

Defendant was charged with conspiracy to possess with intent to distribute oxycodone. He requested an instruction on the lesser included offense of conspiracy to possess oxycodone (a conspiracy). The trial court erred in failing to instruct the jury as requested. First, the court held that the fact that the indictment alleged that the defendants conspired to distribute and to possess with intent to distribute did not mean that a conspiracy to possess was not a lesser included offense because it is not a lesser offense of the conspiracy to distribute. (An indictment frequently charges in the conjunctive, but a jury can convict of either of the methods). Second, the fact that all conspirators did not share the limited conspiracy to simply possess the drugs did not mean that the defendant did not have that limited agreement with others.

United States v. LaPointe, 690 F. 3d 434 (6th Cir. 2012)

- Distinguished by *United States v. Hampton*, 769 Fed. Appx. 308, 312 (2019) – 6th Cir. Ky. And *United States v. Bradley*, 917 F. 3d 493, 509 (2019)- 6th Cir. Mich.
    - *Hampton* distinguished from *LaPointe* because "LaPointe testified that he had tricked them into fronting him the oxycodone on credit to feed his own addiction (at 443.) Here, however, there was no comparable evidence that Hampton possessed the methamphetamine without intending to distribute it.
    - In instances, instructing on lesser conspiracy within a greater conspiracy is appropriate, but the conspiracy statutes in *LaPointe* differ than the ones used here, specifically §371. "Section 371 contains no comparable component intent elements that can be easily discerned and disentangled. At first blush, it appears that we simply subtract one element and find ourselves with Bradley's proposed lesser-included offenses remaining… Defendant can conspire to defraud the United States in a multitude of ways and need not intend to fail to file W-2s or issue Form 1099s."

United States v. Silwo, 620 F.3d 630 (6th Cir. 2010)

The defendant was instrumental in procuring a van that was later used to transport marijuana and was also observed engaging in activity that appeared to be counter surveillance. This evidence, alone, did not suffice to support a conviction for conspiracy to possess with intent to distribute marijuana. The defendant was not present when the van was loaded. The defendant was clearly in a scheme, but the evidence did not show that he knew the scheme involved the distribution of marijuana. For the same reason, the defendant could not be convicted of aiding and abetting the possession with intent to distribute the marijuana.

United States v. Silwo, 620 F. 3d 630 (6th Cir. 2010)

- Distinguished by 14 cases, 2 Ohio ones. *United States v. Rosales,* 990 F. 3d 989, 996 (2021) and *United States v. Cordero*, 973 F.3d 603, 618 (2020)
    - Differs from *Silwo* because the case facts in *Rosales* demonstrate "direct involvement with the drugs. First, when Duran spoke with Rosales, he attempted to confirm that "it's outside," which Duran testified she understood to be referring to the drugs."
    - *Cordero* mistakenly argued their case was like *Silwo* when saying they lacked knowledge of the package's contents. "There, this court reversed the defendant's conviction for conspiracy to distribute marijuana because the evidence demonstrated at most that the defendant had knowingly engaged in a scheme "with some sort of criminal purpose," but not one that involved violation of the drug laws. Id. at 636."

United States v. Peters, 15 F.3d 540 (6th Cir. 1994)

The police executed a search warrant at an apartment. The male was found in the bedroom, where a small quantity of cocaine and a firearm were also found. A female was found downstairs, dressed in a nightgown. This evidence was insufficient to convict the female of possessing either the gun or the drugs. The evidence also failed to establish that the two were engaged in a conspiracy.

United States v. Peters, 15 F.3d 540 (6th Cir. 1994)

- Distinguished by 13 cases. Top case *United States v. Alexander*, 530 Fed. Appx. 565, 568 (2013)- 6th Cir. Mich.
    - The cases cited by *Alexander* "all stand for a different proposition: that two individual's mere presence together in a house where drugs are sold does not demonstrate a 'tacit or mutual understanding' between them to violate the drug laws…. Alexander admits the existence of a conspiracy to distribute heroin, so the cases are inapposite."

United States v. Superior Growers Supply Co., 982 F.2d 173 (6th Cir. 1992)

The trial court properly dismissed an indictment which charged the defendant supply company with supplying materials so that others could grow marijuana. The indictment charged the defendant with conspiring to aid and abet the growing of marijuana. The problem here is combining the conspiracy and aiding and abetting offenses. In order to conspire to aid and abet, there must be a crime in progress that the defendant agreed to aid. Here, there was no allegation in the indictment that there was a crime being aided or a crime that the defendant agreed to aid. The court considered Falcone and Direct Sales in reaching this result: a supplier of innocent

material can only be convicted of conspiring to produce an illegal product if the supplier knows of the end result and intends to further the illegal ends of the manufacturers.

United States v. Superior Growers Supply Co., 982 F. 2d 173 (6th Cir. 1992)

- Distinguished by 3 cases, one is a court of appeals in 4th Circuit, *United States v. Bondars*, 801 Fed. Appx. 872, 879 (2020) and another is a district court case in from Michigan, *United States v. Dowdell,* 2016 U.S. Dist. LEXIS 38214
    - The Court held *Superior Growers* "indictment failed to allege essential elements of conspiracy to aid and abet: "knowledge of the underlying crime and intent to further it."" This case differs because the "necessary guidance as to knowledge and intent" lacking in *Superior Growers* was present and conveyed to jury here in *Bondars*
    - The deficiency in *Superior Growers*, that indictment was deficient and omitted knowledge of the supply stores, an essential element, does not exist in *Dowdell*. " Thus, the indictment here is sufficient, gives the defendant adequate notice of the charges against him, and need not include the *Rosemond* Court's articulation of the *mens rea* requirement to withstand constitutional scrutiny."

United States v. Pearce, 912 F.2d 159 (6th Cir. 1990)

The record was devoid of any evidence that two defendants entered into an agreement to distribute drugs. One defendant's mere presence in the house does not, by itself, demonstrate any tacit or mutual understanding between him and the other defendant to distribute drugs. Furthermore, the fact that one of the defendants shouted,"It's a bust!" when the police entered the house does not contribute sufficient evidence to sustain the verdict.

United States v. Pearce, 912 F.2d 159 (6th Cir. 1990)

- Distinguished by two 6th Cir. Court of Appeals cases, *United States v. Scott*, 716 Fed. Appx. 477, 486 (6th Cir. Tenn. 2017) and *United States v. Alexander*, 530 Fed. Appx. 565, 568 (6th Cir. Mich. 2013)
    - *Scott* just alludes to *Pearce* stating it is unavailing because *Pearce* is distinguishable and he failed to identify any aspect of conspiracy charge jury had no basis to infer his involvement based on the evidence and the government had sufficient evidence for jury to conclude he was part of the conspiracy.
    - *Alexander* already quoted under *U.S. v. Peters* above.

BUYER -SELLER CASES

United States v. Brown, 726 F.3d 993 (7th Cir. 2013)

A lengthy opinion that clarifies the Seventh Circuit's jurisprudence on the issue of conspiracy vs. buyer-seller.

United States v. Johnson, 592 F.3d 749 (7th Cir. 2010)

Another conspiracy conviction falls victim to the buyer-seller rule that the Seventh Circuit announced in United States v. Colon (see below). Even if the buyer purchases a large quantity of drugs, this does not make him a conspirator with the seller. Even a repeat wholesale customer is not necessarily a co-conspirator. Indications that a conspiracy existed are such things as (1) sales on credit or consignment; (2) an agreement to look for other customers; (3) payment of commission on sales; (4) an indication that one party advised the other on the conduct of the other's business; (5) an agreement to warn of future threats to each other's business stemming from competitors or law enforcement authorities. None of these circumstances were present in this case.

United States v. Colon, 549 F.3d 565 (7th Cir. 2008)

The evidence only established the existence of a buyer-seller relationship between the defendant and his supplier. Therefore, he could not be convicted of either conspiracy (with the supplier) or aiding and abetting the conspiracy with the supplier. The Seventh Circuit held that a purchaser - even a wholesale purchaser who buys a large quantity - is not, by that evidence alone, conspiring with the supplier. The Seventh Circuit cited with approval, United States v. Dekle, 165 F.3d 826 (11th Cir. 1999).

United States v. Boidi, 568 F.3d 24 (1st Cir. 2009)

A conspiracy to possess drugs is a lesser included offense of a conspiracy to possess with intent to distribute. The government acknowledged that possession is a lesser included offense of possession with intent to distribute; but argued that this logic does not apply to conspiracy offenses. The First Circuit rejected this argument, but held that in order to insist on such an instruction, the defendant must show that on the evidence presented, it would be rational for the jury to convict only on the lesser included offense and not the greater one. Failure to instruct the jury on the lesser included offense in this case was error. This case also includes a useful discussion of the “buyer-seller" doctrine that provides that a buyer-seller agreement is not, ipso facto a conspiracy to possession with intent to distribute.

United States v. Hawkins, 547 F.3d 66 (2d Cir. 2008)

The Second Circuit affirms the defendant's conspiracy conviction, but includes a lengthy discussion that explains why a buyer is not a co-conspirator with the seller, unless something

more is shown than the simple buyer-seller relationship. The evidence established in this case an ongoing relationship that the "buyer" would be a distributor for the "seller."

United States v. Wexler, 522 F.3d 194 (2d Cir. 2008)

The defendant, a doctor, wrote prescriptions to a patient for various drugs, including dilaudid. The doctor knew that the patient was distributing the drugs to others and the prescriptions themselves were not medically necessary. The patient did not, however, distribute any of the dilaudid and the prescriptions were not in amounts that would have led the doctor to believe the patient was distributing the dilaudid. Rather, the patient was consuming the dilaudid himself. The patientdied from the dilaudid. The jury found the defendant guilty of conspiring to distribute drugs, including distribution that led to the death of that patient. The Second Circuit reversed. With respect to the dilaudid, the doctor and patient had a "buyer-seller" relationship and therefore a conspiracy conviction between them could not be upheld.

United States v. Gore, 154 F.3d 34 (2d Cir. 1998)

Proof of the existence of a buyer-seller relationship, without more, is not sufficient to prove the existence of a conspiracy. The $ 846 conviction in this case was reversed.

United States v. Dekle, 165 F.3d 826 (11th Cir. 1999)

A buyer-seller relationship does not qualify as a § 846 conspiracy. The buyer's purpose is to buy; the seller's purpose is to sell. There is, therefore, no joint objective. Even if the sales are repeated, there is no proof of a conspiracy, unless the sales are for the purpose of re-sale and the generation of proceeds.

United States v. Jensen, 141 F.3d 830 (8th Cir. 1998)

Witnesses identified Jensen as their methamphetamine supplier. Witnesses testified that occasionally they bought drugs from Jensen and re-sold them. This evidence was not sufficient to support a conspiracy conviction. The evidence only established a series of buyer-seller relationships.

United States v. Thomas, 150 F.3d 743 (7th Cir. 1998) and 284 F.3d 746 (7th Cir. 2002).

The defendant indisputably sold crack cocaine to an informant. Two sales of drugs (plus a prior sale of bogus drugs) occurred during the course of one week. There was no evidence that the defendant had any stake in the informant's subsequent sales. The Seventh Circuit held that the trial court erred in failing to instruct the jury that a mere buyer-seller relationship does not suffice to convict the seller for being in a conspiracy with the buyer. An agreement (the essence of a conspiracy) is not the equivalent of repeated transactions, though the latter may be evidence of the former. The defendant requested an instruction to this effect, but failed to object. Nevertheless, it was plain error to fail to instruct the jury on this principle. Upon retrial, moreover, the evidence was insufficient to establish the existence of a conspiracy. United States v. Thomas, 284 F.3d 746 (7th Cir. 2002). The government's evidence established that the defendant sold cocaine to another person and through the other person, to his customers. This evidence did not establish that the defendant "conspired" with the other people. This only

demonstrated a buyer-seller relationship. Even if the seller knows that the buyer is re selling the drugs, this does not prove that there is a conspiracy.

RULE 404(b) DECISIONS EXCLUDING PRIOR DRUG CONDUCT

United States v. Carter, 779 F.3d 623 (6th Cir. 2015)

The trial court committed reversible error by admitting prior drug distribution evidence in this case. The defendant was charged with possession of precursors to manufacture methamphetamine and conspiracy to manufacture meth. The prior offense involved a different drug and did not involve any manufacturing conduct.

United States. V. Carter, 779 F.3d 623 (6th Cir. 2015)

- Positive law, nothing but positive or neutral citing

DELIBERATE IGNORANCE CASES

Global-Tech Appliances Inc. v. SEB S.A., 131 S. Ct. 2060 (2011)

In this patent case, the United States Supreme Court explained the concept of "willful blindness" in terms that should equally apply in criminal cases: Willful blindness is more than deliberate indifference to a known risk. Instead, willful blindness requires that the defendant (1) subjectively believed there was a high probability that a fact existed and (2) took deliberate actions or active efforts to avoid learning the fact. This is a higher standard than negligence and even recklessness.

Global-Tech Appliances Inc. v. SEB S.A., 131 S. Ct. 2060 (2011)

- Still good law but distinguished by several 6th Circuit, U.S. District Court cases. Just one explained below:
    - *NetJumper Software LLC. V. Google, Inc.*, 2014 U.S. Dist. LEXIS 200633- "In its motion, Google initially contends that the pending contributory infringement and inducement claims should be dismissed because NetJumper has failed to (1) allege all of the required elements or (2) produce a sufficiency of supporting factual allegations. The required elements for the contributory infringement claim are (1) the infringing party had knowledge that its behavior caused infringement, and (2) there is no substantial non-infringing use for the infringing technology. 35 U.S.C. 271(c); Global-Tech Appliances, Inc. v. SEB S.A., 563 U.S. 754, 131 S. Ct.

THE NECESSARY MENS REA OF A DRUG CASE PROSECUTION

McFadden v. United States, --- S. Ct. --- (2015)

In a normal prosecution for possession, possessing with intent to distribute, or distributing a controlled substance, the government can satisfy the element of "knowledge" in one of two ways: (1) the defendant knew that he was possessing/distributing a controlled substance (though not necessarily which one – he or she did know however, that the object possessed was a controlled substance); or (2) the defendant knew that he or she was in possession of a particular substance (e.g., heroin, marijuana, cocaine, methamphetamine) which is, in fact, a controlled substance, even if the defendant did not know that the particular substance that he knew he was possessing was in fact a controlled substance. In other words, the defendant must either know that the substance possessed was some kind of controlled substance (though not necessarily which one) or that the substance was a particular substance, even if he did not know that that substance was a controlled substance. In a case involving an Analogue Drug, the same rule applies: the defendant must either be shown to know that the substance possessed was a particular substance that he knew to be an analogue, or he must be shown to have known that he possessed a particular substance which is, in fact, a qualifying analogue.

McFadden v. United States, 576 U.S. 186 (2015)

- Distinguished by 3 6th Cir. Court of Appeals cases.
    - *Telemaque v. Barnhart*, 2020 U.S. App. LEXIS 17876- The district court properly denied Telemaque's petition…. "**Telemaque also cites McFadden v. United States, 576 U.S. 186, 135 S. Ct. 2298, 192 L. Ed. 2d 260 (2015), and Rehaif v. United States, 139 S. Ct. 2191, 204 L. Ed. 2d 594 (2019), but McFadden was decided several months before Telemaque pleaded guilty**, and the holding in Rehaif has no bearing on Telemaque's argument that ethylone was not properly classified as a controlled substance when he was indicted, see Rehaif, 139 S. Ct. at 2194. **Thus, Telemaque has not shown that his remedy under § 2255 is inadequate or ineffective**…"
    - *Dowell v. Quintana*, 2018 U.S. App. LEXIS 11736- In McFadden, the Supreme Court held that in § 841(a)(1) prosecutions involving controlled substance analogues, the government must prove that the defendant knew that the substance was controlled under the Controlled Substance Analogue Enforcement Act of 1986 or the Controlled Substances Act, or that the defendant "knew the specific features of the substance that make it a 'controlled substance analogue.'" See McFadden, 135 S. Ct. at 2302 (quoting § 802(32)(A)). The district court correctly concluded that McFadden does not apply to Dowell's case because he was not charged with attempting to possess a controlled substance analogue.

- *Aburokbeh v. United States*, 2017 U.S. App. LEXIS 14830- Under § 2255(f)(3), a federal prisoner must file his motion to vacate within one year of "the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review." Aburokbeh's motion depends on the Supreme Court's decision in McFadden. Although Aburokbeh filed his motion to vacate within one year of the date on which the Supreme Court issued McFadden, the Court has not held that McFadden is retroactive to cases on collateral review.

Joint Defense Agreements

Travelers Cas. & Sur. Co. v. Excess Ins. Co., 197 F.R.D. 601, 606 (S.D.Ohio 2000)

- This case distinguishes the "joint defense privilege" from the "common interest doctrine". Joint defense privilege protects communications between two or more parties represented by counsel if engaged in a joint defense effort. The elements to assert the privilege require 1) the communications were made in the course of a joint defense effort; 2) the statements were designed to further the effort; and 3) the privilege has not been waived. *In re Bevill, Bresler & Schulman Asset Management Corp.,* 805 F2. 120, 126 (3d Cir. 1986). This privilege does not extend the disclosure of discovery to "friendly litigants in related cases or to others with friendly interests."
- Common interest rule allows privilege to extend to "attorneys or parties facing a common litigation opponent to exchange privileged communications". This rule applies when parties have a common litigation opponent or information is exchanged between "friendly litigants" with similar interests.

Official Commt. of Adm. Claimants v. Bricker, N.D.Ohio No. 1:05 CV 2158, 2011 U.S. Dist. LEXIS 49504 (May 9, 2011)

Reiteration of the rules set in *Travelers Cas. and Sur. Co v. Excess Ins. Co.*, allowing "counsel or parties facing a common litigation opponent to exchange privileged communications without waiving the privilege. In addition to applying when a common litigation opponent exists, the common interest rule likewise applies 'when information is exchanged between 'friendly litigants' with similar interests.'" (Quoting *Travelers Cas.*

and Sur. Co. at 607.) The litigation does not need to be absolutely congruent but is sufficient "if the parties at issue reasonably anticipate involvement in litigation in which common issues, and common positions, would arise." (P. 11)

***Ford Motor Co. v. Michigan Consol. Gas Co.*, E.D.Mich. Civil Action No. 08-CV-13503, 2013 U.S. Dist. LEXIS 138693 (Sep. 27, 2013)**

"The common-interest doctrine applies 'where the parties are represented by separate attorneys but share a common legal interest.'" *Hawkins*, 2010 U.S. Dist. LEXIS 55260, 2010 WL 2287454 at *8. Privileged communication between partied can share communication without waiving the privilege if the parties "have an identical legal interest with respect to the subject matter of the communication." *MPT, Inc. v. Marathon Labels, Inc.*, 2006 U.S. Dist. LEXIS 4998, 2006 WL 314435 at *18 (N.D. Ohio Feb. 9, 2006) (quoting *Libbey Glass, Inc. v. Oneida, Ltd.*, 197 F.R.D. 342, 347 (N.D. Ohio 1999)). The common interest doctrine does not require litigation is actual or imminent for the communications to qualify for protection under the doctrine. The underlying shared communication must be privileged for the doctrine to apply. (P. 16)

***Smedley v. Lambert*, M.D.Tenn. No. 3:12-0003, 2013 U.S. Dist. LEXIS 45460, (Mar. 29, 2013)**

- The Tennessee state courts have recognized the "common interest privilege" as exchanging or pooling information among attorneys representing parties who share a common legal interest in litigation. Confusingly, *Smedley v. Lambert* calls common interest privilege and joint privilege interests synonymous, and holds that the privilege only applies to communications given in confidence to parties that are both intended and reasonably believed to be a part of an ongoing and joint common legal strategy. The following elements are required to establish the privilege applies:

The proponent must demonstrate the following elements to establish the privilege applies: "(1) that the otherwise privileged information was disclosed due to actual or anticipated litigation, (2) that the disclosure was made for the purpose of furthering a common interest in the actual or anticipated litigation, (3) that the disclosure was made in a manner not inconsistent with maintaining its confidentiality against adverse parties, and (4) that the person disclosing the information has not otherwise waived the attorney-client privilege for the disclosed information." *Boyd v. Comdata Network, Inc.* 88 S.W.3d 203, 214-215 (Tenn. Ct. App. 2002); Quoting *United States v. Henke,* 222 F. 3d 633, 637 (9th Cir. 2000).

Federal Rules of Evidence; Rule 501. Privilege in General:

The common law — as interpreted by United States courts in the light of reason and experience — governs a claim of privilege unless any of the following provides otherwise:

- the United States Constitution;
- a federal statute; or
- rules prescribed by the Supreme Court.

But in a civil case, state law governs privilege regarding a claim or defense for which state law supplies the rule of decision.

Who is the National Litigation Support Team?

The mission of the National Litigation Support Team (NLST) is to address the impact digital information has on court appointed criminal defense practitioners for the Defender Services program for them to fulfill their sixth amendment responsibilities. They assist counsel in identifying issues related to the collection, production, and management of electronically stored information (ESI, or also known as e-discovery) and digital evidence. They provide technology, resources, education and training for CJA panel counsel and Federal Defender Office (FDO) team members to efficiently search, review, and analyze e-discovery and digital evidence. The NLST also serves as a resource to the Defender Services program to assist in the long-range planning required to address issues pertinent to evolving e-discovery practices and policies.

For CJA panel attorneys, the NLST is your consultant, your resource center, and your sounding board for all litigation support aspects of your case from beginning to end. They are here to support both you and FDOs throughout the country. Whether you are considering what data to request, how to manage the discovery you have received, or what type of presentation you would like to use in the courtroom, they can provide assistance and guidance based on our own experiences, industry standards, and general guidelines and principles they have developed that focus not only on document management but overall case management.

The National Litigation Support Team consists of:

Sean Broderick - National Litigation Support Administrator

Sean oversees the National Litigation Support Team. He provides guidance and recommendations to federal courts, federal defender organization staff, and court appointed attorneys on electronic discovery and complex cases, particularly in the areas of evidence organization, document management and trial presentation. Sean is the co-chair of the Joint Working Group on Electronic Technology in the Criminal Justice System (JETWG), a joint Department of Justice and Administrative Office of the U.S. Courts national working group which examines the use of electronic technology in the federal criminal justice system and suggested practices for the efficient and cost-effective management of post-indictment electronic discovery. Before his current position, Sean worked as an investigator, mitigation specialist, and paralegal on numerous complex cases. In these different capacities, he dealt with a wide range of criminal and civil cases, including multi-defendant, white collar fraud, federal trial, capital trial, and habeas corpus death penalty cases. In addition to his hands-on work, Sean has spent considerable time training legal professionals in electronic discovery management, investigations and litigation support, both in the United States and abroad.

Sean can be reached at sean_broderick@fd.org(link sends e-mail).

Kelly Scribner - Assistant National Litigation Support Administrator

Kelly specializes in case management, workflow design and vendor relations. Prior to working with us, Kelly was the Director of Litigation Support Services for Loxodrome Solutions, Inc., a litigation support vendor which works with civil law firms in the United States on document management and discovery needs. Prior to this position, Kelly was a senior litigation paralegal for Affymetrix, Inc., a biotech company, and at Pillsbury Winthrop LLP in San Francisco. She has ten years of litigation support and legal experience relevant to our national needs, including project management of multi-national civil cases, overseeing onsite document collection, the assessment and selection of technology vendors, training end-users on litigation support software, and the supervision of large teams of attorneys conducting the review of legal documents.

Kelly can be reached at kelly_scribner@fd.org(link sends e-mail).

Alex Roberts - National Litigation Support Paralegal

Alex focuses on the technical areas of litigation support and can assist with identifying what technology to use and when to use it. Alex has more than 20

years of experience in the field of litigation support. Prior to joining us, Alex was a litigation support technical analyst and workflow coordinator for Foster Pepper, PLLC, a law firm in Seattle, Washington where he supervised and coordinated electronic discovery workflow, litigation software training, provided advanced legal database support and gave trial presentation consulting. Of particular note, Alex has worked in the past with CJA panel attorneys in the Western District of Washington, consulting and participating in a number of complex CJA matters.
Alex can be reached at or alex_roberts@fd.org(link sends e-mail).

Kalei Achiu - National Litigation Support Paralegal
Prior to joining the National Litigation Support Team, Kalei worked as a Trial Paralegal for the Federal Public Defender in the Central District of California. Before she worked in the Los Angeles office, she was as a paralegal for the Orange County Public Defender's Office. Having worked on numerous cases and trials at both the Federal and State levels, Kalei has many years of practical experience as a trial paralegal. She earned a Bachelor of Arts degree in Criminal Justice (2001) from Cal State University Fullerton and a Master of Science in Criminal Justice (2008) from Long Beach State.
Kalei can be reached at or kalei_achiu@fd.org(link sends e-mail).

Dennis C. Alerding
Case Budgeting Attorney for the Sixth Circuit
Potter Stewart US Courthouse
Cincinnati, OH 45202
513-564-7358
Dennis_Alerding@CA6.uscourts.gov

Budgets complex and capital cases.
Consults with attorneys about any excess request, regardless of whether the case is budgeted.
Consult with judges about service provider requests or requests for payment.
Coordinate with the district clerks about circuit policy matters concerning voucher processing and other CJA issues.
Reviews all excess requests for service providers and all excess CJA 20s, 21s, 30s, and 31s.
Provide training to the local panels