

CLE WEBINAR

Beyond the Residual Clause Challenging Your Client's "Crime of Violence" under Sessions v. Dimaya

Defender Services Office - Training Division Webinar
Hosted at: Federal Public Defender's Office

Speakers:

Paresh Patel: Chief of Appeals, FPD's Office for the District of Maryland
Jayme Feldman: Visiting Attorney Advisor, Training Division

Portland, Oregon

Hosted webinar on June 28, 2018
10:00am to 11:30am

Eugene, Oregon

Hosted webinar on June 28, 2018
10:00am to 11:30am

Medford, Oregon

Hosted webinar on June 28, 2018
10:00am to 11:30am

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DSO's Training Division is offering a four-part series of live webinars on *Sessions v. Dimaya*, in which the Supreme Court held that the residual clause of 18 U.S.C. § 16's definition of "crime of violence" is unconstitutionally vague.

Déjà vu? In striking § 16's residual clause, the Supreme Court relied on a "straightforward application" of its 2015 decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). In *Johnson*, the Court deemed a similar residual clause in the "violent felony" definition of the Armed Career Criminal Act to be void for vagueness. **If you have cases in which *Johnson* and other crime of violence questions come up, call us for help!** We have resident expert Liz Daily -- we're tracking cases and Liz has been immensely helpful to both AFPD's and panel attorneys alike.

This week's webinar (Part 2 of 4) will explore the impact of *Dimaya* on federal criminal statutes, and particularly its applicability to 18 U.S.C. § 924(c). Presenters Paresh Patel and Jayme Feldman, will identify the many reasons why *Dimaya* should apply to § 924(c) cases and provide you with the responses needed to refute the government's contrary position. You will also learn how to challenge your client's predicate conviction under the remaining portion of the "crime of violence" definition - the force clause.

This webinar is targeted to practitioners with a working knowledge of the categorical and modified categorical approaches, a familiarity with the Supreme Court's related holding in *Johnson v. United States*, and a basic understanding of the "crime of violence" definitions in 18 U.S.C. § 16 and 18 U.S.C. § 924(c)(3). Finally, the webinar will address how to overcome procedural obstacles, such as a defendant's appellate waiver, on direct review.