

**Case Law & Attorney General  
Opinion Update 2011**

**Ryan Kellus Turner  
General Counsel & Director  
of Education  
TMCEC**

2/8/11 adtx

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**Ellen Louise Turner (8/13/10)**



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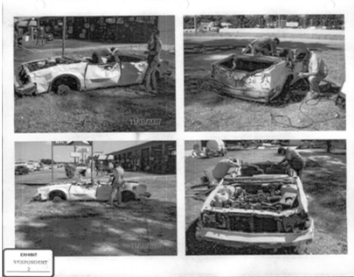
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**First Amendment**  
**Kleinman v. City of San Marcos (Page 1)**  
**U.S., 5<sup>th</sup> Circuit**



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**2<sup>nd</sup> Amendment**  
**©McDonald v. City of Chicago**  
**(SCOTUS)**  
**• Page 1**

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### 4<sup>th</sup> Amendment

- ◉ City of Ontario v. Quon (SCOTUS)
  - page 2

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### More 4<sup>th</sup> Amendment

- ◉ Jordan – Blood (p. 3)
- ◉ Flores – Dumpster Diving (p. 4)
- ◉ Graves – Obscenity (p. 4)
- ◉ Ogeda – Post-Gants Auto Search (p. 6)

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### And More 4<sup>th</sup> Amendment

- ◉ Portillo – Search Incident to Arrest [Bike Ordinance Violation] (p. 6-7)
- ◉ Clark – Subjective Intent [Traffic Ordinance] (p.8)
- ◉ Gonzalez-Gilando (p.8-9) – Really? Really! Really?

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**5<sup>th</sup> Amendment**

◉Berhuis v. Thompkins – SCOTUS (p. 11) Saying You Want to Remain Silent

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**6<sup>th</sup> Amendment**

◉Padilla (SCOTUS) -Ineffective Assistance of Counsel and Immigration Consequences (pp. 13-14)

See also, Ogbodiegwu (p. 14) Ineffective Assistance in Municipal Court

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**Transportation Code**

◉Spence – License Plate (pp. 16-17)

◉Mahaffey – Merging (p.17)

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**Magistrate Duties - Property Hearings**

- ◉ \$281,420 (Texas Supreme Court) p. 20
- ◉ GA-0761 (p. 21) – Ownership and Title of Motor Vehicles

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**Pre-Trial**

- ◉ Valdez – Motion to Dismiss (p. 21)
- ◉ Moore – Plea Bargain (p. 21)
- ◉ Wilson – Fabricated Reports (p. 22)  
· - WOW!
- ◉ Ford – Unsworn Police Reports (p.23)

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**Trial**

- ◉ Moreno- Directed Verdict (p. 26)
- ◉ Morales – Motion for New Trial (p. 25)

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## Appeals

- ◉ Texas Vital Care (p. 26-27) – Appealing dismissal of Appeal from Municipal Court of Record
- ◉ Swain (p. 27) – Perfecting Appeal from County Court to Intermediate Appellate Court from Municipal Court of Record.

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## Prosecutors

- ◉ Quintana (pp. 30-31) – Discretion to “Single Out” Defendants
  - To Exercise Discretion in light of Defenses
  - Tex. Atty. Gen. Op. GA-0765 (p. 32)
- ◉ Watkins (p. 31) – Mandamus of Judge for Prohibited Deferred
- ◉ Goodman (p. 31-32) – Motion to Disqualify Prosecutor

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## Children

- ◉ Graham v. Florida (p. 35) (SCOTUS) – 8<sup>th</sup> Amendment and Culpability
- ◉ In re B.W. (p. 35) (Texas Supreme Court) – Legal Capacity to Consent



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- A Close Look at Texas Court of Criminal Appeals 2/2 (Wed.)
- Case Law: Trial Court Administration and Prosecution 2/24 (Thu.)
- Immigration Ordinances and Preemption 3/3 (Thu.)

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