

AELE Amicus Curiae Brief Cases

[Back to Amicus Curiae Center](#)

[Back to AELE Home Page](#)

B - Federal Lower Courts

Won (2004)

N.Y. v. Tanella

U.S. Court of Appeals, 2nd Circuit

No. 03-1589; at the request of the DEA, AELE and the IACP filed an amicus brief supporting the dismissal of manslaughter charges against a federal agent who fatally shot a resisting suspect. In our brief, we show how it is possible to shoot a suspect in self-defense, when the bullet enters the suspect's back. View the [AELE-IACP brief](#), the lower court [decision](#), and the [prosecution's brief](#). The appeals court upheld the dismissal of the charges. The court found that the agent was immune from state prosecution under the Supremacy Clause of the United States Constitution. It also found that the agent honestly believed his life to be in danger at the time of the shooting and that his belief was objectively reasonable. Click [here](#) to view the appeals court opinion.

Issue not considered (1998)

U.S. v. Nafkha

U.S. Court of Appeals, 10th Circuit

No. 96-4130

We argued that 18 U.S. Code § 3501 overrules *Miranda*. However, the appellate panel found the "confession was obtained in full compliance with *Miranda* and related cases, making consideration of section 3501 unnecessary."

Lost (1996)

Washington v. Lambert

U.S. Court of Appeals, 9th Circuit

98 F 3rd 1181 [Decision](#)

We asked the appellate court to overturn a civil damages award against an officer who caused the plaintiffs to be detained at gunpoint, because he mistakenly believed them to be the perpetrators of a series of armed robberies.

Won (1991)

Woodland v. City of Houston

U.S. Court of Appeals, 5th Circuit

940 F. 2d 134 (First appeal)

Federal trial court enjoined the city from asking applicants for police and fire employment about prior drug use, thefts and other criminal behavior on the grounds it invaded their privacy rights under the constitution. We asked the appellate panel to overturn the injunction as improvidently issued. We declined to support other questions of a personal and private nature that the city asked these applicants.

Lost (1990)

Deloach v. Bevers

U.S. Court of Appeals, 10th Circuit

922 F. 2d 618

Compensatory and punitive damages award against a police officer who, on the advice of the prosecutor, welfare authorities and physicians, initiated prosecution against a babysitter for the death of an infant.

Lost (1986)

Crossman v. Maroccio

U.S. Court of Appeals, 1st Circuit

792 F. 2d 1

Police offered to settle a suit per FRCP Rule 68 and plaintiffs refused. Verdict was substantially less than the offer and the police seek an award of post-offer legal fees and costs. See 108 F.R.D. 433 (D.R.I. 1985) for case below.

Won (1982)

Payton v. U.S.

11th Cir. En banc review of 5th Circuit panel decision

679 F. 2d 475

Suit against U.S. Parole Board for negligent release of dangerous killer; AELE joined brief of Crime Victims Legal Advocacy Institute in support of the family of victim and urging stricter release standards.

Won (1982)

Daniels v. Gilbreath

U.S. Ct. of Appeals, 10th Circuit

668 F. 2d 477 [Decision](#)

Wrongful death judgment against sheriff by parents of released inmate; liability of jailers not extended beyond period of incarceration.

Appeal Dropped (1973)

Landman v. Cunningham

U.S. Ct. of Appeals, 4th Cir.

No. 73-1973 (Appeal dismissed)

Prior decisions at 333 F. Supp. 621 and 354 F. Supp. 1292, 1302

Trial court awarded damages against prison warden for actions, which were lawful at the time; AELE challenged the retroactivity of award. Case settled without decision.

Won (1976)

Sims v. Eisen

U.S. Dist. Ct. (N.D. Ill.)

No. 76 C 981 (Unpublished)

Rape victim was sued by her attackers for "misidentification" after their convictions were upheld by a criminal appeals court. Federal court dismissed their "Civil Rights" lawsuit against the victim.

Won (1977)

Kasold v. Cardwell

U.S. Ct. Appeal, 9th Circuit

554 F. 2d 1069

Police obtained and executed search warrant when teen-age victim reported crime six months after commission. An U.S. District Court in a habeas corpus hearing held that information was too "stale" to justify a warrant. The appeals court summarily reversed.

Decided on other issues (1976)

Appeal not decided (1977)

Williams v. Alioto

U.S. Ct. of Appeals, 9th Circuit

549 F. 2d 136; 1977 U.S. App. Lexis 10367

In so-called "Zebra" case, AELE argued that San Francisco police acted in good faith and within proper and constitutional guidelines and that therefore, an injunction should not have been granted solely to ameliorate radical tensions. Appellate court avoided deciding the issue on its merits and vacated the injunction for "mootness".

Won (1974)

Mathews v. Janega

U.S. Dist. Ct. (N.D. Ill.)

No. 74-C-70 (Unpublished)

AELE argued that crime victims could not be sued by perpetrator under sections 1983 and 1985 of the U.S. Civil Rights Acts. U.S. District Court dismissed suit. AELE did not file amicus curiae brief, but rather, furnished direct representation for crime victim who was sued.

Won (1976)

Johnson v. Burgess

U.S. Dist. Ct. (E.D. Va.)

No. CA 595-74-A (Unpublished)

ACLU filed class action suit to require Virginia State Police to expunge from records all arrest records not resulting in conviction. AELE contested this position.

Won (1975)

Cabbler v. Sup't

U.S. Ct. Appeals, 4th Circuit

528 F. 2d 1142

AELE argued that evidence discovered by police during warrantless inventory of contents of impounded car should be admitted into evidence.

Lost (1975)

Clark v. Ziedonis

U.S. Ct. of Appeals, 9th Circuit

513 F. 2d 79

AELE argued that police officer may use deadly force to apprehend fleeing burglary suspect. AELE argued further, that trial court was engaging in unreasonable "second-guessing" when it found that officer did not fire in reasonable apprehension of harm when suspect turned toward him in dark gangway, at night, with a blue steel object in his hand. Object later proved to be a file.

Lost (1975)

Rice v. Wolff

U.S. Ct. of Appeals, 8th Circuit

513 F. 2d 1280

AELE argued that Court should consider complete good faith of police, absence of deterrence, and exigent circumstances in applying exclusionary rule. Case involved booby-trap bomb murder of Omaha police officer.

Won (1973)

Hill v. Rowland

U.S. Ct. of Appeals, 4th Circuit

474 F. 2d 1374

Held that the good faith of the arresting officer should be considered by jury in deciding a civil action brought against police officers for false arrest.

Won (1973)

U.S. v. Bozada

U.S. Ct. of Appeals, 8th Circuit (en banc)

473 F. 2d 389

The court upheld the search by the police of a truck full of stolen shoes. No search warrant was necessary, the court ruled, because the police had reliable information that the truck was about to be moved out of the jurisdiction.

Won (1972)

U.S. v. Dellinger

U.S. Court of Appeals, 7th Circuit

472 F. 2d 340

Court refused to dismiss contempt citations against Attorneys Kunstler and Weinglass for courtroom disruptions in the "Chicago 7" case.

Won (1971)

U.S. v. Robinson

U.S. Court of Appeals, D.C. Circuit

439 F. 2d 553

Permitted police, for their own safety, to conduct full search of persons arrested for traffic offenses.

Won (1971)

Turco v. Allen

U.S. District Court, Baltimore, MD

334 F. Supp. 209

Court refused Atty. William Kunstler's request to interfere with State Black Panther trial and refused to issue an order prohibiting the Baltimore Police from investigating the Black Panthers.

Won (1970)

Metros v. District Court

U.S. Court of Appeals, 10th Circuit

441 F. 2d 313

AELE asked the appellate court to overturn and order, issued in a civil rights suit, which required the Denver Police to reveal the identity of their confidential informants.

[Click here](#) for list of web sites with full text of lower federal court decisions on line.

[Back to Amicus Curiae Center](#)

[Back to AELE Home Page](#)