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(United States First Circuit) - Affirming a Board of Correction Naval Records decision upholding non-judicial punishment, rescission of a Naval recommendation for promotion, and an adverse employment evaluation imposed on a former petty officer because the Miranda-like requirements of Article 31 of the Uniform Code of Military Justice only offer an exclusionary remedy in the context of a court-martial, not in non-judicial punishment proceedings.

Rivera v. Thompson

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Legal Malpractice, Constitutional Law, Criminal Law & Procedure

(United States First Circuit) - Reversing and remanding the conviction of a man after a jury trial on account of the violation of his Sixth Amendment right to the effective assistance of counsel when his lawyer failed to move to suppress inculpatory statements made to police while in custody and failed to introduce at trial evidence promised in the opening statement that a third party committed the stabbing at issue.

US v. Clark

January 9, 2018

Evidence, Constitutional Law, Criminal Law & Procedure

(United States First Circuit) - Affirming the district court's denial of a motion to suppress drug evidence found during a traffic stop over claims the officer unreasonably extended the stop, violating Fourth Amendment rights, and challenging the ruling that drugs found during an unlawful patdown would not be excluded under the inevitable discovery exception to the exclusionary rule in a case where a passenger in a stopped car held no ID, gave contradictory identifying information, and was confused for a similarly named person with outstanding warrants.