

# The Sentinel

## President's Column

**Tommy Spina, Esq.**

My term as President is quickly coming to an end. I would like to take this opportunity to express my sincere appreciation and gratitude for being given the opportunity to represent criminal defense lawyers in the greater Birmingham area. I do believe that we are more capable of accomplishment as a group. The mere fact that we have a voice that is recognized and heard is more than we had prior to the formation of our Criminal Defense Lawyers Association.

We have made major strides in becoming involved in the criminal justice system in Jefferson County. In the process, the efforts of our group have made the system work more effectively and efficiently for the benefit of all individual defense attorneys and their clients.

I encourage each and every one of you to more actively participate in this group and to assist the new officers in accomplishing the needs of our organization. Continue to share you ideas with other members of the organization. Be imaginative, creative,

and fearless and things can and will change. I thank you for the opportunity you have given me.

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Our Summer Social is scheduled for August 8, 2002 at Zydeco's located at 2001 15<sup>th</sup> Avenue South from 6:00 P.M. to 8:30 P.M. at which time we will welcome in our new slate of officers for the coming term. Please make arrangements to attend.

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**THE OFFICIAL NEWSLETTER**

**OF THE GREATER**

**BIRMINGHAM CRIMINAL**

**DEFENSE LAWYERS'**

**ASSOCIATION**

**RECENTLY DECIDED CASES****Verzone v. State****Court of Criminal Appeals****Released June 28, 2002**

The defendant appealed her guilty plea alleging that it was not voluntarily entered. The Court of Criminal Appeals reversed stating that where the trial court failed to hold a plea colloquy in connection with the Ireland form, the appellate court was unable to determine the voluntary nature of the plea and therefore the plea must be set aside.

**Phelps v. State****Court of Criminal Appeals****Released June 28, 2002**

Although the Court of Criminal Appeals affirmed Phelps conviction for distribution of a controlled substance, the interesting portion of the opinion appears in the concurrences written by Justices Cobb and Shaw. Both Justices believe that the enhancements under section 13A-12-250 and 13A-12-270 must be charged in the indictment and proved beyond a reasonable doubt at trial before they can be applied in accordance with Poole decided last year.

**Davis v. State****Court of Criminal Appeals****Released June 28, 2002**

Davis appealed his conviction for distribution with enhancements under 13A-12-250 and 270. The court of criminal appeals affirmed the conviction and enhancement under 13A-12-250 but reversed the enhancement under

13A-12-270 ruling that the public housing project must be owned by a public housing authority for the enhancement to apply. In Davis' case the housing project was privately owned.

**GREATER BIRMINGHAM CRIMINAL DEFENSE LAWYERS NEW OFFICERS**

President	Virginia Meigs
President Elect	Don Colee
Vice-President	Andrew Coleman
Treasurer	Mary Kay Laumer
Secretary	Mari Morrison

**SUMMER SOCIAL OF THE GREATER BIRMINGHAM CRIMINAL DEFENSE LAWYERS ASSOCIATION**

**Date:** Thursday, August 8, 2002  
**Place:** Zydeco's  
**Address:** 2001 15<sup>th</sup> Avenue South  
**Time:** 6:00 p.m. - 8:30 p.m.  
**Purpose:** Summer Social

**MEMBERSHIP APPLICATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Admitted to Bar: \_\_\_\_\_

Annual Dues: \_\_\_\_\_

- ☐ Sustaining Member (\$100.00)  
☐ General Member (\$50.00)  
☐ General Member less than 3 years in practice (\$25.00)

Make check payable to GBCDLA and mail to:

Andrew J. Coleman, Treasurer  
 205 20<sup>th</sup> Street North, Suite 210  
 Birmingham, Alabama 35203