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**NYSACDL PRESIDENT JOSHUA L. DRATEL**  
And Wish Him a Successful Presidency

and  
**MYRON BELDOCK**

Upon His Award

and

Our Member

**MARTIN B. ADELMAN**  
For His Outstanding Service

and to  
**NYSACDL PRESIDENT-ELECT RAY KELLY**  
Best Wishes

\*\*\*\*\*

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National Association of Criminal Defense Lawyers  
1150 18th Street, N.W., Suite 950  
Washington, D.C. 20036  
webpage: [www.nacdl.org](http://www.nacdl.org)  
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**NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

**2•0•0•5**  
**ANNUAL DINNER**  
**JANUARY 27, 2005**



**Marriott Financial Center Hotel**  
New York City

**Guests of Honor**

Honorable James A. Yates  
Recipient of the Hon. William Brennan Award  
for Outstanding Jurist

Donald G. Rehkopf, Jr., Esq.  
Recipient of the Hon. Thurgood Marshall Award  
for Outstanding Practitioner

Myron Beldock, Esq.  
Recipient of the Lifetime Achievement Award

**NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS**

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PRESENTS THE  
WILLIAM BRENNAN AWARD

TO

**Honorable James A. Yates**

OUTSTANDNG JURIST

PRESENTS THE  
THURGOOD MARSHALL AWARD

TO

**Donald G. Rehkopf, Jr.**

OUTSTANDNG PRACTITIONER

PRESENTS THE  
LIFETIME ACHIEVEMENT AWARD

TO

**Myron Beldock, Esq.**

MARRIOTT FINANCIAL CENTER HOTEL

JANUARY 27, 2005



NEW YORK STATE ASSOCIATION OF  
CRIMINAL DEFENSE LAWYERS

**2005 ANNUAL DINNER**  
**JANUARY 27, 2005**

**GUESTS OF HONOR**

HON. JAMES A. YATES \* DONALD G. REHKOPF, JR., ESQ.  
MYRON BELDOCK, ESQ.

WELCOME.....President Martin B. Adelman

PRESIDENT'S OATH OF OFFICE  
ADMINISTERED TO PRESIDENT-ELECT JOSHUA L. DRATEL, ESQ.  
.....President Martin B. Adelman

INTRODUCTION OF PRESIDENT JOSHUA L. DRATEL  
.....Sam A. Schmidt,  
Esq.

REMARKS.....President Joshua L. Dratel

PRESENTATION OF AWARD TO MARTIN B. ADELMAN, ESQ.  
.....President Joshua L. Dratel, Esq.

PRESENTATION OF THE LIFETIME ACHIEVEMENT AWARD  
TO MYRON BELDOCK, ESQ.  
.....Professor Leon Friedman

REMARKS.....Myron Beldock, Esq.

PRESENTATION OF THE WILLIAM BRENNAN AWARD  
TO HONORABLE JAMES A. YATES.....Martin B. Adelman, Esq.

REMARKS.....Hon. James A. Yates

PRESENTATION OF THE THURGOOD MARSHALL AWARD  
TO DONALD G. REHKOPF, JR., ESQ.  
.....President Joshua L. Dratel and Past-President Richard J. Barbuto

REMARKS.....Donald G. Rehkopf, Jr., Esq.

CLOSING REMARKS.....President Joshua L. Dratel



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# MESSAGE FROM THE PRESIDENT

MARTIN B. ADELMAN, ESQ.

As NYSACDL President, I welcome you to our Annual Dinner. I cannot describe any better who we are and what we do than did Victor Rabinowitz, in summarizing his life: “I can’t explain why some will give up their lives on the barricades for the revolution and why others will betray their best friends for a buck. We all have a system of values . . . we all have our nature and live by it.” I’ve lived by my values and I don’t think I could have done otherwise. Those values require me to try to achieve a better world, and that’s what I’ve done.

Tonight we rest from the battle, we celebrate what we do, enjoy one another and salute those we honor. I thank you for your friendship and support.

— Marty Adelman



## LIFETIME ACHIEVEMENT AWARD

### MYRON BELDOCK, ESQ.



Myron Beldock, a foe of injustice and champion of lost causes is the recipient of the New York State Association of Criminal Defense Lawyers Lifetime Achievement Award for his zealous advocacy of the accused.

Mr. Beldock's most famous case was a 13-year effort that won freedom for the former middleweight boxer Rubin "Hurricane" Carter, after Carter was found guilty of killing three people in a Paterson, New Jersey tavern and imprisoned for nearly 19 years. Early in his career, he won the dismissal of attempted rape charges in a Brooklyn case against George Whitmore, Jr., who drew notice because he was wrongly accused in a concurrent case, the career-girl murders of Janice Wylie and Emily Hoffert on the Upper East Side of Manhattan in 1963.

Recently Mr. Beldock persuaded a federal judge to overturn a jury verdict in the case of Gidone Busch, a Hasidic man shot to death in a confrontation with the police in 1999. Mr. Busch's family, who sued the city for damages and lost, can now get a new trial. He has represented Yusef Salaam, one of the Harlem men convicted of the 1989 rape of the woman known as the Central Park jogger. His conviction and that of four other defendants were thrown out by a judge.

Among the awards he has received in his almost 50 years as a criminal defense lawyer are the New York State Bar Association's award for Promoting Integrity in the Criminal Justice System, the Office of the Appellate Defenders' Milton Gould Award for Outstanding Oral Advocacy, and the New York Criminal Bar Association's award for Excellence in the Practice of Criminal Law.

Mr. Beldock is a graduate of Hamilton College and Harvard University, where he received his law degree, and has served as Assistant United States Attorney in the Eastern District of New York, before entering private practice. He is a partner in the New York City firm of Beldock Levine & Hoffmann LLP.



WILLIAM BRENNAN AWARD  
FOR OUTSTANDING JURIST

HONORABLE JAMES A. YATES

Hon. James A. Yates has served as a New York State Supreme Court Justice for the 1<sup>st</sup> Judicial District since 1998, and as Judge, New York State Court of Claims and Acting Supreme Court Justice, New York County.

Prior to ascending to the Bench, Judge Yates was Senior Counsel, Committee on Codes for the New York State Assembly, and a Staff Attorney with The Legal Aid Society of New York, where he worked in the Special Litigation Unit, Training Bureau, Law Advisory Bureau, Manhattan Youth Part, and the Brooklyn Narcotics Unit.

Among the awards he has received are Outstanding Work in Criminal Justice Legislation award presented by the New York State Bar Association, the Thomas Mott Osborne Medal presented by the Correctional Association and the New York State Defenders' Association's Annual Service of Justice Award.

A member of the Adjunct Faculty of New York Law School, where he teaches a class on White Collar Crime, Justice Yates has also taught at New York University School of Law, C.U.N.Y. School of Law, Cardozo School of Law, and Pace University School of Law. He is co-author of *New York Pre-Trial Criminal Procedure*, published by West Publishing Corp. He is a graduate of Princeton University and Rutgers School of Law.

He serves as Commissioner of the Commission on Uniform State Laws; Member, Board of Advisors of the Andrew Glover Youth Program; Member of the Board of Advisors of John Jay College of Criminal Justice; and served as Member of the National Advisory Board of Bodega de la Familia Neighborhood Drug Crisis Center. He is Co-Chair of New York County Lawyers' Criminal Justice Section.



## THURGOOD MARSHALL AWARD FOR OUTSTANDING PRACTITIONER

DONALD G. REHKOPF, JR., ESQ.

Donald G. Rehkopf, the recipient of the Hon. Thurgood Marshall Award for Outstanding Criminal Practitioner is a Vice President of the New York State Association of Criminal Defense Lawyers and Co-Chair of the Association's Continuing Legal Education Committee. He also is Co-Chair of the Military Law Committee of the National Association of Criminal Defense Lawyers. He is currently associated with the firm of Brenna & Brenna, in Rochester, New York where he concentrates on civil rights matters, criminal defense and military law issues.

A graduate of Capital University Law School, where he received his Juris Doctor, he was selected for the Judge Advocate Generals Department and served on active duty with the Air Force from 1976-1981. His active duty assignments include Osan Air Base, Korea, and Rhein-Main Air Force, Germany. After leaving active duty, Mr. Rehkopf was in private practice in Frankfurt am Main, Germany. He is a Lieutenant Colonel in the Air Force Reserves. Upon his return to the United States, he was a staff attorney in the Violent Felony Offender Section of the Monroe County Public Defenders Office in Rochester, New York where he concentrated in areas of complex forensic science and medical issues affecting those accused of serious crimes.

Rehkopf was an *amicus curiae* party as one of the Experts of the Law of War at the Supreme Court in *Hamdi v. Rumsfeld*, 124 S.Ct. 2633 (2004), while simultaneously representing another *amicus curiae*, People to Enforce the Geneva Conventions, in that case. Among the other *amicus curiae* briefs he has authored are *Padilla v. Rumsfeld*, U.S.D.C. SDNY (2002), 2nd Circuit (2003), U.S. Supreme Court (2004) [alleged Adirty bomber's right to access to counsel and right to contest military detention via *habeas corpus*], *Rasul v. Bush*, D.C. Circuit (2002) [Right of Guantanamo Bay Detainees to seek *habeas corpus* relief; and *Haman v. Rumsfeld*, D.C. Circuit (2004), [*Habeas Corpus* on illegality of military commissions to try Guantanamo Bay prisoners].



NEW YORK STATE ASSOCIATION  
OF CRIMINAL DEFENSE LAWYERS

THANKS THE  
CONTINUING LEGAL EDUCATION COMMITTEE  
FOR ANOTHER GREAT YEAR

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Kathryn M. Kase, Esq.

Russell M. Gioiella, Esq.

James P. Harrington, Esq.

Richard J. Barbuto, Esq.

Martin B. Adelman, Esq.

And

President-Elect Joshua L. Dratel



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OF CRIMINAL DEFENSE LAWYERS

THANKS ITS AMICUS AUTHORS  
FOR THEIR TIME, EFFORT AND ENERGY

Paul Engelmayer

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Theodore S. Green

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THANKS ITS SPEAKERS  
WHOSE EXCELLENT PRESENTATIONS  
HELPED TO MAKE OUR  
CONTINUING LEGAL EDUCATION PROGRAMS  
IN 2004 SUCCESSFUL

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THANKS THOSE AUTHORS WHOSE ARTICLES  
APPEARED IN THE MOUTHPIECE

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Gary Muldoon

Labe Richman

Alan Rosenthal

Dr. Mark Silver

Alan Vinegrad

Andre Vitale

Richard Willstatter

and

special thanks to The Ethicologist



My thanks to the NYSACDL, Board,  
Officers, and Past Presidents,  
Patricia Marcus, our members and  
my listmates – a family of friends  
who devote their lives to frustrating work  
and have learned to band  
together for comfort,

My undying love and admiration for Ellen,  
who supports me, covers for me and  
accepts the life of a companion  
to one such as we.

And to several dozen of my jurors –  
did you forget the word “not”???

Marty Adelman  
President, NYSACDL  
2004



***MYRON BELDOCK***  
***CONGRATULATES***  
***ALL HIS WONDERFUL***  
***BELDOCK LEVINE & HOFFMAN LLP***  
***CURRENT AND EX-PARTNERS,***  
***ASSOCIATES, PARALEGALS,***  
***SECRETARIES AND STAFF***  
***FOR HELPING HIM***  
***“DO HIS THING”***  
***FOR ALL THESE YEARS.***



**Congratulations to Joshua L. Dratel**  
on his inauguration as President of the  
New York State Association of Criminal Defense Lawyers  
from your friends Ted Green and Richard Wilstatter

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OF COUNSEL  
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mkelton@lkklaw.com



Congratulations and Thanks to  
**Marty Adelman**  
for his Presidency and outstanding leadership  
of NYSACDL.

Joshua L. Dratel

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Marshall A. Mintz, formerly of the Law Offices of Joshua L. Dratel, PC, congratulates Joshua Dratel on being elected President of the New York State Association of Criminal Defense Lawyers.

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CONGRATULATIONS MARTY, JOSH AND DON...

3 SHINING STARS

Stephanie L. Zaro

---

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RECIPIENT OF THE  
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RECIPIENT OF THE THURGOOD MARSHALL AWARD FOR OUT-  
STANDING PRACTITIONER

**MYRON BELDOCK, ESQ.**  
RECIPIENT OF THE LIFETIME ACHIEVEMENT AWARD

THANKS TO OUTGOING PRESIDENT  
**MARTIN B. ADELMAN**  
FOR AN OUTSTANDING YEAR AND

BEST WISHES TO  
**PRESIDENT JOSHUA L. DRATEL**

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THE LAW OFFICES OF BRENNA & BRENNA  
CONGRATULATES

Marty Adelman - for a job “well done”

Joshua Dratel - as our new President

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Bids a heartfelt thank you and warm goodbye  
to our friend and member  
Marty Adelman, outgoing NYSACDL president

Welcomes Josh Dratel as he commences his  
term of intense and committed service to  
NYSACDL

Congratulates our dear and longtime friend  
Judge Jim Yates on his receipt of the William  
Brennan Award for Outstanding Jurist

Salutes Don Rehkopf, Jr. as NYSACDL's  
Thurgood Marshall Distinguished Practitioner

and

Enthusiastically applauds our colleague, mem-  
ber and friend Mike Beldock, recipient of  
NYSACDL's Lifetime Achievement Award



The Jose Padilla Defense team would like to Congratulate Don Rehkopf on being awarded the Thurgood Marshall Practitioners Award. We also want to thank Don for the all support, assistance and education that you have given us on behalf of Jose Padilla.

**Andrew G. Patel**  
**Donna R. Newman**  
**Jenny S. Martinez**  
**Jonathan Frelman**

---

Congratulations to Outgoing  
President Martin Adelman

and

Best Wishes for Success to  
President Joshua Dratel

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152 West 57 Street, 24 Floor  
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Best Wishes to Marty Adelman

Congratulations to Joshua L. Dratel, NYSACDL's  
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Julie E. Howe, Ph.D.  
actively supports NYSACDL and its members and

## Congratulates

Lt. Col. Donald Rehkopf, Honorable James Yates,  
Myron Beldock and outgoing and incoming Officers  
and Board Members



**Congratulations on a Splendid Year to  
Marty Adelman  
and  
Best Wishes to Josh Dratel  
for the Coming Year**

Richard J. Barbuto  
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---

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Criminal Defense Lawyers

Marty Adelman – Congratulations  
on a Job Well Done!

Josh Dratel – Best Wishes for a  
Successful Year  
as President!

**Brian J. Neary**  
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Hackensack, New Jersey 07601  
(201) 488-0544



Best Wishes for the Coming Year to the NYSACDL

Congratulations to President Marty Adelman  
for a terrific year...

Good Luck to Josh Dratel!

Gerard M. Damiani  
Damiani Lowe & Mellion

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Congratulations to our Honorees  
Hon. James A. Yates • Donald G. Rehkopf, Jr., Esq.  
Myron Beldock, Esq

And Best to Wishes to  
Marty Adelman for an Excellent Presidency  
and Good Luck to Josh Dratel

Murray Richman • Stacey Richman • Renee Hill  
Adam Jaffe • Kim Richman • Eric Lewin  
Law Office of Murray Richman

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ROBERT P. LEIGHTON and MORTON KATZ

Congratulate  
JOSH DRATEL, President, and  
Honorees – Judge James A. Yates, Donald G. Rehkopf, Jr.  
and Myron Beldock

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Morton Katz, Esq.  
132 Nassau Street, Suite 900  
New York, New York 10038  
(212) 267-6019/6021

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Congratulations to Judge Yates for an honor that has  
been long overdue. He has displayed courage, integrity,  
intelligence and fairness for many years.

Gerald B. Lefcourt



Kudos to Marty Adelman  
for a year of great accomplishment  
and new projects....

Best of Luck to Josh Dratel  
to keep the momentum going forward  
and in new directions...

Congratulations to my good friends  
Don Rehkopf and Mike Beldock  
for their awards richly deserved...

Ira D. London



## *Notes*

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# Notes

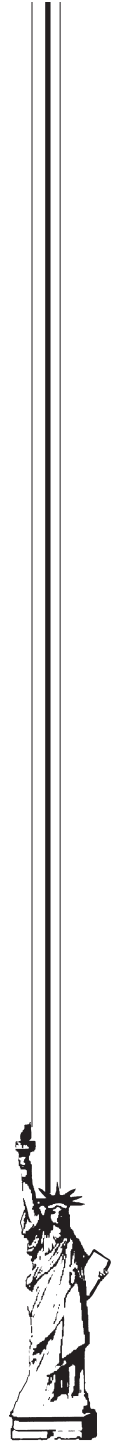
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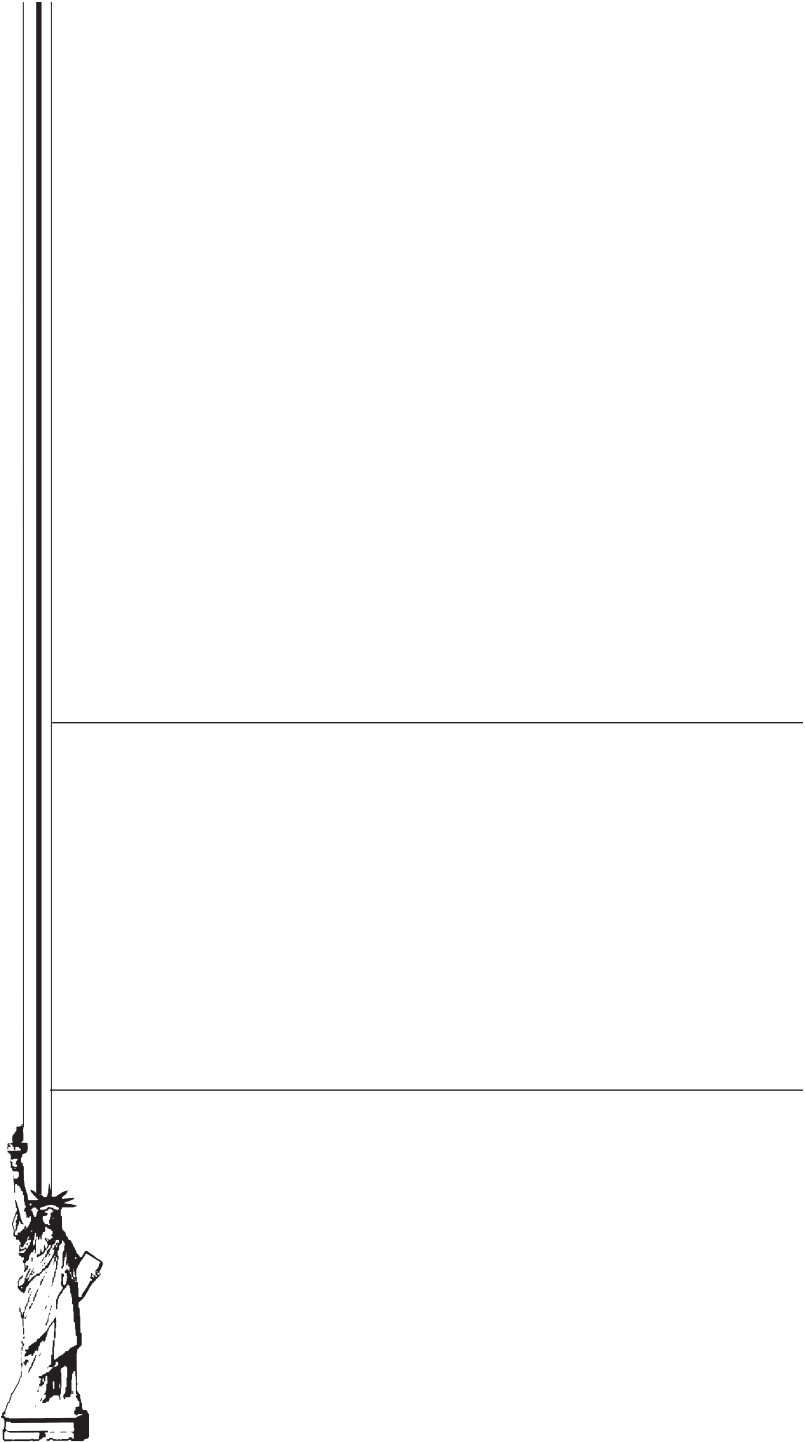


## *Notes*

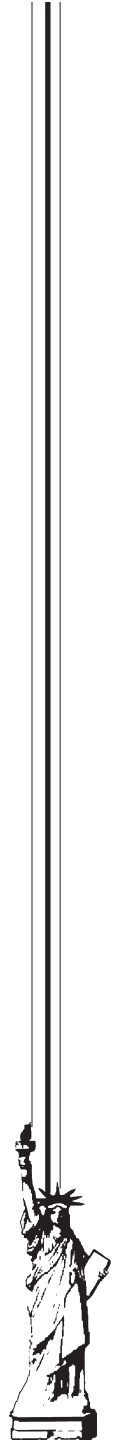
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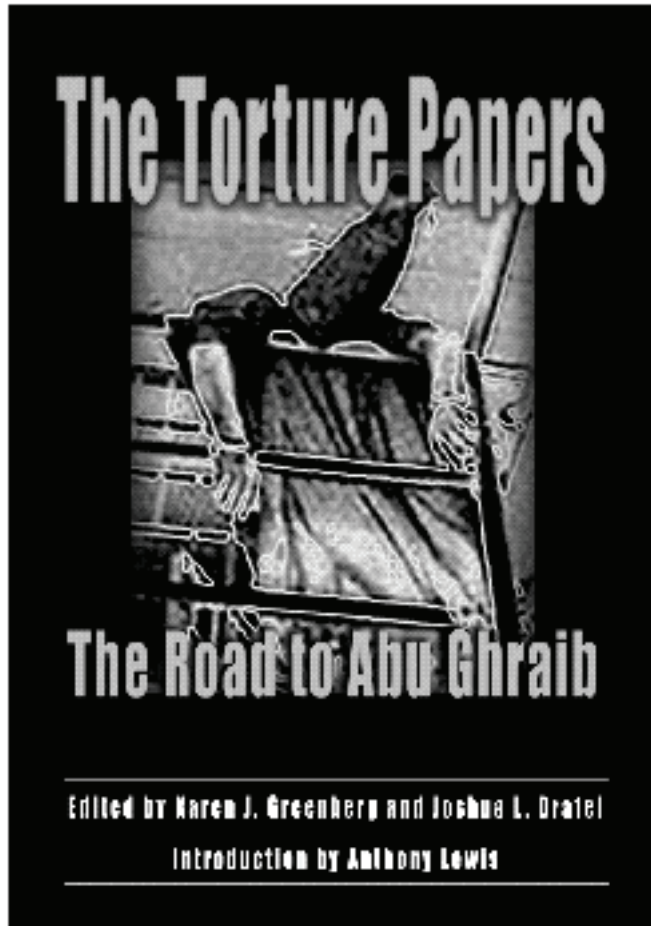
*Notes*



*Notes*



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SUPREME COURT REQUIRES MITIGATION SOCIAL WORK FORENSIC  
REPORT: *Wiggins v. Smith*, 539 U.S. 510 (2003), the Court found a Sixth  
Amendment violation due to the absence of a forensic social work report that would  
have shown potentially powerful mitigating evidence from  
defendant's background.

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Abuses & Trauma  
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#### PURPOSE OF REPORT

Humanize Client's Life History  
Explain Hardships & Losses  
Sympathetic Narrative  
Contextualize Client's Conduct  
Mental & Medical Health  
Illustrate Resilience & Growth  
Support Systems  
Barriers & Protective

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