

PETER OFFENBECHER

Skellenger Bender, P.S.
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LAW PRACTICE

Skellenger Bender, P.S., Seattle, Washington

2000 to Present

As a shareholder with Skellenger Bender, my practice focuses on complex criminal defense in federal and state courts. I represent a broad range of clients at the investigative, trial, and appellate stages of the criminal justice system. I help business entities and individuals manage regulatory and criminal investigations in a variety of areas, including environmental regulation, customs and import/export activities, health care regulation, misappropriation of trade secrets, anti-trust regulation, securities regulation, and insurance and banking regulation. I also represent lawyers under investigation by the Washington State Bar Association.

Federal Public Defender, Seattle, Washington

1988 to 2000

As the Chief Assistant Federal Public Defender (1990-2000), my primary responsibility was to represent individuals who were charged with felony crimes in United States District Court and before the Ninth Circuit Court of Appeals. I also represented individuals under investigation by federal law enforcement authorities for violations of federal law, and state prisoners who were challenging their death sentences in federal habeas corpus proceedings.

The Law Offices of Mestel & Muenster, Seattle and Everett, Washington

1986 to 1988

In a small law firm devoted primarily to criminal defense, I represented individuals charged with crimes in state and federal courts throughout the State of Washington. Most of my practice was trial work in state superior and district courts in Western Washington, although I also represented clients in federal district court and before the Washington Court of Appeals and Washington Supreme Court. During this time, I represented two clients charged with death-penalty-eligible double homicides.

Seattle-King County Public Defender Association, Seattle, Washington

1980 to 1983; 1984 to 1986

At the Defender I represented indigent persons charged with crimes at all state court levels, including King County Superior Court, the Washington Court of Appeals, and the Washington Supreme Court. As the training coordinator for the Defender (1985-1986), I assisted division supervisors in providing training and supervision to staff attorneys and investigators. During this time I represented one individual charged with a death-penalty-eligible double homicide.

Franklin & Watkins, Seattle, Washington

1983-1984

As an associate in an eight-attorney firm with a general civil practice, I handled litigation in construction surety, personal injury, and real estate matters.

OTHER LEGAL EXPERIENCE

California Supreme Court

San Francisco, California

Fall 1979

During my third year in law school, I worked as a full-time extern on the Central Staff of the California Supreme Court. I reviewed post-conviction and post-appellate petitions for review in criminal matters. I prepared conference memoranda for the Court in which I evaluated the merits of the issues presented, analyzed the law, and offered recommendations for the proper disposition of each case.

United States Attorney

San Francisco, California

Summer 1979

I was employed as a summer law clerk in the criminal division of the United States Attorney's Office for the Northern District of California.

California State Public Defender

Sacramento, California

Spring 1979

I worked as an intern assisting in the appellate representation of indigent persons convicted in state court.

Thomas J. Watson Fellowship

Edinburgh, Scotland

1976-1977

In 1976 I was awarded a post-graduate fellowship to conduct a one-year independent study of the (then) recently reformulated Scottish juvenile justice system. The Scots were experimenting with a non-adversarial model centered on a community-based entity called the Children's Panel. During this year, I lived in Edinburgh and traveled throughout Scotland, attending Children's Panel hearings and meeting and exchanging ideas with law enforcement officials and Children's Panel administrators, as well as children and families involved with the system.

El Paso County District Attorney's Office

Colorado Springs, Colorado

1974-1976

Beginning part-time as a college sophomore, and later full-time until after college graduation, I was employed as the investigator for the Juvenile Division of the El Paso and Teller County District Attorney's Office. I also served as the specially designated grand jury investigator in the state grand jury investigations of criminal misconduct by the management of a group home for juvenile offenders and a residential facility for developmentally disabled persons.

EDUCATION

University of California at Davis Law School

Davis, California

J.D. awarded May 1980

Honors: Order of the Coif

AmJur Awards in Criminal Law, Criminal Procedure, and Evidence

National Moot Court Team, Regional Champion

Thomas J. Watson Fellowship

1976-1977

Edinburgh, Scotland

Colorado College

Colorado Springs, Colorado

B.A. in Political Economy, May 1976

Honors: Degree awarded summa cum laude, Phi Beta Kappa

COMMITTEE SERVICE

Ninth Circuit Court of Appeals Federal Public Defender Hiring Committee

Member of Committee - 2013

Washington Supreme Court Capital Counsel Qualification Committee

Member of Committee - 1998 to 2013

Washington Supreme Court Standing Committee on Jury Instructions WPIC (Criminal) and WPI (Civil)

Member of Committee - 1985 to 1996

United States District Court for the Western District of Washington Capital Habeas Corpus Local Rules Committee

Member of Committee - 1990

Washington State Indigent Defense Task Force

Member of Task Force - 1988 to 1990

Washington State Bar Association - Criminal Law Section

Member, Executive Board - 1987 to 1990

Secretary - 1994 to 1995

Washington Association of Criminal Defense Lawyers

Treasurer – 1989 to 1991

Member, Board of Governors - 1994 to 1999, 2005 to 2008

Federal Bar Association for the Western District of Washington

Trustee - 2005

SELECTED TRIAL-LEVEL WORK

United States v. Y.M., No. 06-00437-RSM (federal criminal prosecution for violation of customs and export/import regulations after defendant, who was subject to a Commerce Department Export Denial Order, exported military-style goods to Macedonia; jury hung strongly in favor of acquittal after which case dismissed with prejudice).

In re Major Educational Health Care Organization (representation of Manager of Regulatory Compliance for major regional medical organization regarding wide-ranging federal grand jury investigation of alleged extensive health care fraud; two physician chiefs of major departments plead guilty to felony crimes; no charges filed against my client).

In re Luxury Product Importing Corporation (representation of luxury product importing business in five-year federal grand jury investigation based on allegations of systematic and pervasive violations of Customs, Commerce Department, and Bureau of Alcohol, Tobacco, and Firearm regulations; case resolved by civil penalty, no criminal charges filed).

In re State University Foundation (with law partner, represented University Foundation in all aspects of the failed effort by the Foundation to construct a new urban campus for the University; the matter was long and complex, involving civil and criminal claims against the Foundation's attorneys and University's executives; there was a state Attorney General's investigation; a federal grand jury investigation; state bar investigations, protracted civil litigation against the developer, law firms and others. We conducted the internal investigations and represented the foundation in over four years of investigations, litigation, and grand jury proceedings).

United States v. J.C., No. CR 06-00146 (U.S.D.C. E.D. WA) (federal criminal prosecution of Canadian citizen for participation in a conspiracy to smuggle marijuana across the border by helicopter; case dismissed during hearing on motion to suppress evidence after defense investigation disclosed serious credibility issues with arresting border patrol agents).

United States v. D. L., No. CR 12-016 RAJ (U.S.D.C. W.D. WA) (lead attorney for defendant charged with death-eligible first degree murder; government declined to seek the death penalty; defendant eventually plead guilty to involuntary manslaughter).

State v. P.S., No. 09-1-00958-5 (state court criminal prosecution of police officer for videotaped alleged assault of teenager in custody at police station; two jury trials ended in hung juries, prosecution finally dismissed after second jury hung 11-1 for acquittal).

Seattle v. J.L., No. 567880 (criminal prosecution of police officer for videotaped alleged assault of suspect during street arrest; case dismissed after prosecution expert changed his opinion during questioning by defense counsel).

P.J. v. T.W., No. C 90-925 D (federal habeas corpus proceeding on behalf of state prisoner sentenced to death; the district court vacated the conviction and sentence because of juror misconduct; the case was eventually settled in state superior court for a life without parole sentence).

D.L.R. v. T.W., No. C 89-568 T (federal habeas corpus proceeding on behalf of state prisoner sentenced to death; this case involved eight years of discovery and evidentiary hearings in United States District Court, a personal restraint petition in the Washington Supreme Court, and three separate sets of appeals and cross-appeals in the Ninth Circuit, including a successful defense of the State's interlocutory appeal of the district court's discovery orders; in 1997, the district court vacated the conviction and death sentence, after which the case was settled in state superior court for a life without parole sentence).

United States v. D.L., No. CR 02-0107 Z (federal criminal prosecution of Canadian citizen for transporting large amounts of marijuana across the border in specially manufactured secret compartments of defendant's truck; case dismissed on motion of Government after defense presentation of evidence demonstrating defendant's innocence).

S.W. v. D.S.H.S., No. C 98-271 Z (federal habeas corpus petition by insanity acquittee incarcerated at state mental hospital since 1980; this case involved years of collateral litigation in Washington State courts including state habeas proceedings and evidentiary hearings in Superior Court, two appeals to the Washington State Court of Appeals and a State's Petition for Review to the Washington Supreme Court; in 2003, the underlying judgment was vacated and Mr. W. was released from the state hospital).

United States v. A.A., et al., No. CR 96-694 C (federal criminal prosecution of three Russian citizens for extortion (audio-taped by the FBI) alleged to have occurred during a goodwill wrestling tour through the Northwest; all three defendants were acquitted).

United States v. R.C., et al., No. 94-441 T (federal criminal prosecution of two defendants for satellite television signal piracy, where both defendants were convicted of some counts and acquitted of the others; all convictions were reversed on appeal, after which all charges against my client were dismissed).

United States v. R.V., No. 96-549 Z (federal district court modified terms of supervised release to permit Rastafarian defendant to use marijuana for religious ceremonial purposes while on federal probationary supervision after finding that imposition of any sanction for such use would violate the federal Religious Freedom Restoration Act).

United States v. N.B., No. 94-579 WD (environmental research scientist charged in federal court with violating Navy base security regulations for swimming into prohibited waters to obtain biological samples acquitted at trial after district court found that federal regulations failed to give adequate notice of prohibited conduct).

United States v. A.H., No. CR 98-546-Z (federal district court granted defendant's motion to suppress confession and physical evidence seized from defendant's person because arrest was in violation of Fourth Amendment).

United States v. J.S., 649 F. Supp. 1065 (E.D. Wash. 1986) (federal district court granted defendant's motion to suppress evidence of methamphetamine lab seized by state law enforcement authorities under color of state search warrant; court finds that violation of state law controls and compels suppression in this federal criminal prosecution even though application of federal search and seizure law might require a different result).

SELECTED PUBLISHED APPELLATE COURT WORK

United States v. E.J., No. CR 95-152 WD (prosecution for manslaughter where my client handed her daughter a gun to fend off an assaultive boyfriend; Ms. J. was convicted at trial; the conviction was first affirmed on appeal by a three-judge panel, *United States v. E.J.*, 139 F.3d 748 (9th Cir. 1998), then reversed by an eleven-judge panel for failure to permit the defendant to introduce documentary evidence corroborating her trial testimony in *United States v. E.J.*, 169 F.3d 1210 (9th Cir. 1999) (*en banc*), after which the indictment was dismissed with prejudice. I was appellate counsel and trial counsel.)

United States v. E.H., 189 F.3d 785 (9th Cir. 1999) (conviction reversed for violation of federal constitutional right to venue in the district where the crime occurred).

United States v. A.P., 183 F.3d 1014 (9th Cir. 1999) (judgment and sentence vacated where application of United States Sentencing Guidelines violated statute prohibiting sentencing enhancement for conviction as to which defendant's civil rights had been restored by the state).

United States v. Doe, 53 F.3d 1081 (9th Cir. 1995) (judgment revoking supervised release vacated because juvenile sentence under the Federal Juvenile Act may not include a period of supervised release in the absence of specific statutory authorization).

United States v. G.L., 963 F.2d 243 (9th Cir. 1992) (conviction reversed; a suspect's request for counsel to state police also invokes his right to counsel when questioned by the FBI for a different offense).

United States v. E. D.-M., 951 F.2d 1063 (9th Cir. 1991) (conviction vacated; a defendant is entitled to a hearing to determine whether a Speedy Trial Act dismissal should be with or without prejudice).

E.C. v. D., 99 Wash. 2d 373, 662 P.2d 828 (1983) (order of civil commitment vacated; superior court may not revoke or modify order of commitment in absence of violation of terms of release; strict compliance with statutory requirements is required).

State v. M.W., 30 Wash. App. 162, 632 P.2d 913 (1981) (conviction reversed; defendant has the right to cross-examine the complaining witness concerning her intent to file a civil action for damages against the defendant's employer based on the facts of the alleged offense).

PROFESSIONAL ADMISSIONS

Court	Date of Admission
California Supreme Court	December 16, 1980
Washington Supreme Court	November 17, 1981
United States District Court Western District of Washington	August 26, 1983
Eastern District of Washington	October 30, 1986
United States Court of Appeals Ninth Circuit	March 1, 1984
United States Supreme Court	June 1, 1992

SELECTED CONTINUING LEGAL EDUCATION PRESENTATIONS

Topic	Year
“The New Federalism: Retooling the Pretext Doctrine”	1991
“Dealing with Prosecutor Misconduct”	1992
“Prosecutorial Misconduct”	1994
“Oral Advocacy on Appeal”	1995
“Defense and Prosecution Ethical Obligations of Disclosure”	1997
“Federal Bail Reform Act: Detention and Preliminary Hearings”	1997
“Ethical Considerations in Representing Government Informants”	1999
“Affirmative Defenses in Federal Court”	2000
“Effective Use of Interpreters in a Criminal Case”	2002
“Litigating Special Administrative Measures in Terrorist Prosecutions”	2003
“A Healthy Practice: Preventative Measures To Keep Your Livelihood Out Of Intensive Care”	2005
“Criminal Enforcement and Regulatory Compliance for Design Professionals: Understanding and Managing the Risks”	2005
“Ethical Issues in the Practice of Criminal Defense”	2008
“Ethical Challenges in The Difficult Criminal Case: Lessons from Modern Literature”	2008
“Overcoming Obstacles to Discovery and Investigation in a Federal Criminal Case”	2014

OTHER AWARDS

Lawyer of the Year for Seattle in the area of White Collar Criminal Defense—U.S. News & World Reports' Best Lawyers in America List—September 2014

William O. Douglas Award—Highest Award of Washington Association of Criminal Defense Lawyers (“For Extraordinary Courage and Dedication to the Practice of Criminal Law”)—2011

Tier 1 Ranking in the field of Criminal Defense: White Collar Crime, in the U.S. News & World Report's “Best Law Firms” survey—2014–2015

Best Lawyers in America—U.S. News & World Reports' Best Lawyers in America List—January 2016

Recognized as Superlawyer in the field of White Collar Criminal Defense, in “Superlawyer” Edition of *Washington Law and Politics*—every year from 2001 through present.

Distinguished Service Award—Washington Association of Criminal Defense Lawyers—1991