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NEWS RELEASE

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Court of Appeals Mourns Loss of Senior Circuit Judge Melvin T. Brunetti

SAN FRANCISCO – Senior Circuit Judge Melvin T. Brunetti of the United States Court of Appeals for the Ninth Circuit died Friday, October 30, at his home in Reno after a long battle with cancer. He was 75.

Judge Brunetti was in his 25th year of service on the Court of Appeals. Nominated by President Reagan and confirmed by the Senate in 1985, he served as an active judge until 1999, when he took senior status. He continued to carry a substantial caseload for many years and was active in court governance, including chairing the Space and Security Committee during a time when many new courthouses were constructed in the circuit.

Judge Brunetti's contributions to the law are many. His noteworthy opinions include:

- ! *Osborne v. District Attorney's Office for the Third Judicial District*, 423 F.3d 1050 (9th Cir. 2005), after remand, 521 F.3d 1118 (9th Cir. 2008), reversed, 129 S. Ct. 2308 (2009). Judge Brunetti held that an Alaska inmate's section 1983 action for post-conviction access to DNA evidence was not barred by *Heck v. Humphrey* and, after remand, that due process conferred a right of access to the evidence. The Supreme Court later reversed 5-4 on the due process issue;
- ! *Harris v. Vasquez*, 949 F.2d 1497 (9th Cir. 1990). Judge Brunetti upheld the murder conviction and death sentence of Robert Alton Harris on habeas review; and
- ! *Adamson v. Ricketts*, 789 F.2d 722, 735 (9th Cir. 1986) (en banc) (dissenting), reversed, 483 U.S. 1 (1987). Dissenting from the en banc majority, Judge Brunetti wrote that double jeopardy did not bar the defendant's prosecution for first degree murder in connection with a bombing in Phoenix, Arizona. He was later vindicated by a Supreme Court reversal.

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Born in Reno, Judge Brunetti graduated from Sparks High School and attended the University of Nevada, where he studied electrical engineering before leaving school in 1953 to take a job in the food industry. Years later, on the advice of a judge who was a family friend, he decided to pursue a career in law and was admitted to the University of California Hastings College of the Law. He received his J.D. in 1964.

Judge Brunetti returned to Nevada to practice and began his legal career as an associate at Vargas, Bartlett and Dixon, from 1964 to 1969. He then joined the firm of Laxalt, Bell, Berry, Allison and LeBaron, where he worked as an associate from 1970 to 1971 and as a partner from 1971 to 1978. He was a shareholder in the firm of Allison, Brunetti, MacKenzie, Hartman, Soumbeniotis and Russell from 1978 until his appointment to the federal bench. He also served as president of the Nevada State Bar from 1984 to 1985.

Family and friends recall Judge Brunetti as a natural leader, a man of principle and character in all aspects of his life and professional career, and someone who pursued every endeavor with great enthusiasm. He was a musician (clarinet and ukulele) in his younger years and had a band that entertained at high school dances. Later in life, he became an accomplished photographer.

Judge Brunetti is survived by his wife of 44 years, Gail; two children, Nancy of Yerington, Nevada, and Bradley of Phoenix, Arizona; two brothers, Larry of Boise, Idaho, and Frank of Castro Valley, California; two grandchildren; and four great-grandchildren. Another son, Melvin Jr., is deceased.

The funeral service will be held Saturday, November 7, at 1 p.m. at St. Thomas Aquinas Cathedral, 310 W. Second St., Reno. A private burial service is planned.

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