

05-7053 DIXON V. UNITED STATES

DECISION BELOW:413 F3d 520

LOWER COURT CASE NUMBER: 04-10250

QUESTIONS PRESENTED:

1. Where a criminal defendant raises a duress defense, whether the burden of persuasion should be on the government to prove beyond a reasonable doubt the defendant was not under duress, or upon the defendant to prove duress by a preponderance of the evidence.
2. Whether petitioner was deprived of a fair trial by the exclusion of expert testimony on battering and its effects that was offered in support of her defense of duress.

CERT. GRANTED 1/13/2006

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.