

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 13 2007

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH COPPOLA,

Defendant - Appellant.

No. 06-10440

D.C. No. CR-04-00277-KJD/RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted November 5, 2007**
San Francisco, California

Before: THOMAS, TALLMAN, and IKUTA, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Joseph Coppola's *Faretta* waiver was invalid because the court failed to ensure that he understood the possible penalties he faced at the time of the waiver. *See United States v. Erskine*, 355 F.3d 1161, 1167 (9th Cir. 2004).

This court therefore REVERSES and REMANDS for a new trial.