



College of Business, Legal Information Clinic

HIGHLIGHTS OF U.S. SUPREME COURT CRIMINAL RULINGS 2018-2019 TERM

2018-2019 TERM

CRIMINAL SUMMARIES

The U.S. Supreme Court 2018-2019 Term had seventy-two (72) appeals; six were *per curiam* (the court acting collectively) reversals, leaving sixty-six (66) argued cases before the justices. Of the seventy-two (72) cases, twenty-five (25) were affirmed and forty-seven (47) were reversed. While many commentators speculate Justice Kavanaugh's appointment hearings impacted the court's docket, there were still many significant decisions this term. In addition, many of the rulings have invoked discussion on future application of *stare decisis*, plaintiffs seeking legal redress in state courts in lieu of federal courts, and the Courts overall exercise of judicial restraint this term.

The below are summaries of *criminal* cases only. A complete summary of all cases can be obtained directly from the COB Legal Information Clinic upon written request.¹

FOURTH AMENDMENT

***Mitchell v. Wisconsin*, 139 S.Ct. 2525 (2019).**

A driver was arrested for drunk driving. A police officer took him to a hospital for a blood test, but the driver was unconscious when they got there and did not give his permission for the test. Nevertheless, the police officer arranged for the blood test on his own. The driver was convicted on the basis of the test. The Supreme Court held that there were exigent circumstances justifying taking the test without the driver's permission.

FIFTH AMENDMENT

***Gamble v. United States*, 139 S.Ct. 1960 (2019).**

The double jeopardy provision of the Fifth Amendment prohibits retrial of a defendant after an initial proceeding has been decided. However, the federal courts have consistently refused to apply the provision to dual sovereignty cases, i.e. if the prior proceeding was in state court. The Supreme Court reaffirmed the dual sovereignty analysis and ruled that the double jeopardy provision only applies in same sovereignty situations.

¹ The COB Legal Information Clinic would like to thank PLI for the Scholarship Award for the legal substance of this information and Mr. Leon Friedman, Hofstra Law School, for original summary content with modifications by Allison E. Butler, JD. This information is for Educational Purposes Only.



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SIXTH AMENDMENT

***United States v. Haymond*, 139 S.Ct. 236 (2019).**

A sex offender was originally sentenced to 38 months under SORNA. While on supervised release, he was found with child pornography in his possession. Under a provision of SORNA, the judge applied a preponderance of evidence standard to add additional prison time. The Supreme Court held that the requirement that the judge can add additional time to the original sentence by himself based on a preponderance standard violates the Sixth Amendment right to jury. Federal law unconstitutional.

***Flowers v. Mississippi*, 139 S.Ct. 2228 (2019).**

Supreme Court held that prosecutor's consistent use of peremptory challenges to eliminate minority jurors over the course of six trials violated the Batson rule and amounts to racial discrimination.

HABEAS CORPUS

***Shoop v. Hill*, 139 S.Ct. 504 (2019) (per curiam).**

In a habeas corpus petition, the death penalty defendant claimed he was mentally deficient and therefore not subject to execution. He relied on *Moore v. Texas*, 137 S.Ct. 1039 (2017) which held that a prisoner's improved behavior in prison was not sufficient by itself to show that he was no longer mentally retarded and thus not subject to execution. The Supreme Court held that the Moore case decided two years previously was not "clearly established law" at the time of defendant's sentencing and thus could not be relied upon in a habeas petition.

SENTENCING

***Stokeling v. United States*, 139 S.Ct. 544 (2019).**

The defendant had been previously convicted of robbery under Florida law. Robbery was defined as "the taking of money or other property. . . from the person or custody of another. . . when in the course of taking there is the use of force, violence, assault or putting in fear." The Supreme Court held that under that definition, the defendant had previously committed a violent felony under State law and therefore was subject to enhanced penalties under ACCA. The defendant had to overcome the victim's resistance when he committed the robbery, thus putting the victim "in fear."

***Timbs v. Indiana*, 139 S.Ct. 682 (2019).**

The defendant pleaded guilty to dealing in a controlled substance. The State then sought to seize his car which it claimed had been used in the drug sales. The car was worth \$40,000, while the maximum fine for the crime under State law was only \$10,000. The Supreme Court held that the "Excessive Fine" provision of the Eighth Amendment applies to the States, and the effort to seize the car was an excessive fine. New provision of Bill of Rights applicable to the States.

***Mont v. United States*, 139 S.Ct. 1826 (2019).**

A federal defendant is subject to supervised release after he serves his sentence. The question arose whether that term of supervised release is tolled when he is held in pretrial detention for a new offense either under state or federal law. The Supreme Court held that pretrial detention tolls the supervised release period since the time served is credited as time served to the new offense.



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***Quarles v. United States*, 139 S.Ct. 1872 (2019).**

The Armed Career Criminal Act provides for enhanced sentencing if the defendant had three prior “violent felony” convictions. In this case, the defendant had been convicted of burglary under Michigan law for remaining in a dwelling and then committing a misdemeanor. The Supreme Court held that the crime involved was a “generic” burglary crime that qualifies under the ACCA as a violent felony.

PROCEDURE

***Garza v. Idaho*, 139 S.Ct. 738 (2019).**

The defendant pleaded guilty and signed an “appeal waiver,” foregoing some but not all rights to appeal. The defendant then requested his attorney to file an appeal. The attorney refused, claiming that the appeal waiver precluded the right to appeal. The Supreme Court held that the attorney rendered deficient performance by not following the defendant’s request.

DEATH PENALTY

***Moore v. Texas*, 139 S.Ct. 666 (2019).**

At the death penalty trial, considerable evidence was introduced as to defendant Moore’s intellectual failings -- his inability to tell time, name the days of the week or the months or the year. The trial found that his mental condition fell roughly two standard deviations below the mean in three skill categories. Thus, the trial court determined he was not eligible for the death penalty under *Atkins v. Virginia*, 536 U.S. 304 (2002). The appeal court reversed, noting Moore’s improved behavior in prison. In the initial appeal, the Supreme Court reversed the State court, holding that his improved behavior did not offset the medical analysis of his mental ability. The case was then remanded back to the Texas courts for reconsideration. Those courts re-imposed the death penalty, based primarily on the testimony of a new expert witness. It was also based on the fact that Moore had submitted rational pro se papers in the state courts. It also relied upon Moore’s improved behavior in prison. The Supreme Court reverses again, holding that the new evidence did not offset the original findings of mental incompetence to be executed.

***Madison v. Alabama*, 139 S.Ct. 718 (2019).**

The defendant was sentenced to death. While in prison, awaiting execution, the defendant was subject to various strokes that rendered him unable to recollect committing the crime. He then argued that he was mentally incompetent to be executed. The Alabama courts held that because he did not suffer delusions, he could still be executed. The Supreme Court reversed, holding that the state courts applied the wrong standard. The case was remanded for another hearing.

***Bucklew v. Precythe*, 139 S.Ct. 1112 (2019).**

Prisoner objected to the method of execution planned for him, claiming that the use of pentobarbital (lethal injection) would cause him excruciating pain because of his special medical condition, in violation of the 8th Amendment. He suggested as an alternative the use of nitrogen hypoxia, a form of poisonous gas. The Supreme Court rejects his claim. It held that the alternative suggested could not be “readily implemented” as required by *Gossip v. Gross*, 135 S.Ct. 2726 (2015). In addition, there was no guarantee that the alternative would cause less pain.



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STATUTORY ANALYSIS

United States v. Stitt and United States v. Sims, 139 S.Ct. 399 (2018).

Defendant had been convicted of burglary of a “residential occupiable structure” which was defined under state law as a place “which is customarily used for overnight accommodation.” In this case, the vehicle had been adapted for overnight accommodation. The Supreme Court held that the crime can be classified as a crime of burglary that justifies additional penalties under the Armed Criminal Career Act.

Herrera v. Wyoming, 139 S.Ct. 1686 (2019).

The 1868 treaty between Wyoming and the Crow Tribe provided that tribe members would have the right to hunt on the “unoccupied” lands of the United States “so long as game may be found thereon.” The Supreme Court held that the treaty still controls even after Wyoming became a State. It also held that the term “unoccupied” means free of residence by non-Indians. Thus, the Indians could still hunt on the land.

Gundy v. United States, 139 S.Ct. 2116 (2019).

The Sex Offender and Notification Act (SORNA) by its own terms applied to actors who committed offenses after the law went into effect. The law also gave the Attorney General the power to apply the law to offenders who committed sexual acts before the law went into effect. He did so. The Supreme Court held that this delegation power did not violate the nondelegation principle.

Rehaif v. United States, 139 S.Ct. 2191 (2019).

A provision of the federal sentencing act, 18 U.S.C. § 922(g), provides for a ten-year sentence for persons in certain categories who possess a firearm. The Supreme Court held that the law can be applied only if a person had knowledge that he or she possessed the firearm and also had knowledge that he had the relevant status when he or she possessed the firearm.

United States v. Davis, 139 S.Ct. 2319 (2019).

Defendants were charged with possessing a firearm in connection with a crime of violence. The penalty is greatly increased as a result of the possession. The “crime of violence” is further defined as a crime that “involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.” 18 U.S.C. § 924(c)(3)(B). In a series of cases, the Court had held that laws that requires judges to consider acts that took place in an “ordinary case” rather than in the case before it were unconstitutionally vague. The Court held in this case as well that the law is unconstitutionally vague. Federal law unconstitutional.