Supreme Court
October Term 2021 Review

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Denezpi v. United States

- Holding: The double jeopardy clause does not bar successive prosecutions of distinct offenses arising from a single act, even if a single sovereign prosecutes them.

- Reaffirms the traditional *Blockburger* test (if two statutes each have at least one element different from the other, different offenses)

Oklahoma v. Castro-Huerta

- Holding: The federal government and the state have concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian country.

- In 2020, the Court held that much of Eastern Oklahoma is Indian country (*McGirt v. Oklahoma*)
- General Crimes Act (18 U.S.C. § 1152): federal government has jurisdiction to prosecute crimes in Indian country

- Majority: “States have jurisdiction to prosecute crimes committed in Indian country unless preempted.”
- Dissent: “Native American Tribes retain their sovereignty unless and until Congress ordains otherwise.”

Hemphill v. New York

- Holding: There is no "opening the door" exception to the Confrontation Clause.
- In other words: yes, the Confrontation Clause really requires an opportunity to cross-examine witnesses

N.Y. State Rifle & Pistol Ass'n v. Bruen

- Holding: New York's proper-cause requirement for obtaining an unrestricted license to carry a concealed firearm violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms.

- “[W]hen the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation. Only then may a court conclude that the individual’s conduct falls outside the Second Amendment’s ‘unqualified command.’”

- 18 U.S.C. § 922(g)(1) (felon in possession): constitutional
- 18 U.S.C. § 922(k) (altered, obliterated, or removed serial number): unconstitutional – *United States v. Price* (S.D.W.V.)
- 18 U.S.C. § 922(n) (person under felony indictment): unconstitutional – *United States v. Quiroz* (W.D. Tex.)

Ruan v. United States

- Holding: For the crime of prescribing controlled substances outside the usual course of professional practice in violation of 21 U.S.C. § 841, the mens rea "knowingly or intentionally" applies to the statute's "except as authorized" clause.

- Statute makes it a crime “except as authorized, . . . for any person knowing or intentionally . . . to manufacture, distribute, or dispense . . . a controlled substance”

- Strong presumption of mens rea for any element that criminalizes “otherwise innocent conduct” (*Rehaif*)

Wooden v. United States

- Holding: Ten burglary offenses arising from a single criminal episode did not occur on different "occasions" and thus count as only one prior conviction under the Armed Career Criminal Act.

- 1997: Wooden and three others robbed a storage facility, stealing items from 10 individual storage units. Convicted of 10 separate burglary counts.
- 2014: FIP conviction. 18 U.S.C. § 924(e)(1) mandated 15-year minimum if he had three or more prior violent felonies "committed on occasions different from one another"

- "Convictions arising from a single criminal episode, in the way Wooden's did, can count only once under the ACCA"

- “Offenses committed close in time, in an uninterrupted course of conduct, will often count as part of one occasion; not so offenses separated by substantial gaps in time or significant intervening events.”
- “Proximity of location is also important; the further away crimes take place, the less likely they are components of the same criminal event.”
- “And the character and relationship of the offenses may make a difference. The more similar or intertwined the conduct giving rise to the offenses—the more, for example, they share a common scheme or purpose—the more apt they are to compose one action.”
- “For the most part, applying this approach will be straightforward and intuitive.”

United States v. Taylor

- Holding: Attempted Hobbs Act robbery does not qualify as a "crime of violence" under the Armed Career Criminal Act because no element of the offense requires proof that the defendant used, attempted to use, or threatened to use force.

- Attempted Hobbs Act robbery requires only that the defendant intended to complete the offense and took a substantial step toward that end.

Concepcion v. United States

- Holding: Section 404(b) of the First Step Act of 2018 allows district courts to consider intervening changes of law or fact in exercising their discretion to reduce a sentence.

United States v. Tsarnaev

- Holding: The district court did not abuse its discretion by declining to ask prospective jurors about their specific media consumption about the Boston Marathon bombings
- Holding: The district court did not abuse its discretion by excluding from the sentencing proceedings evidence linking the defendant's brother to several unsolved murders.

Vega v. Tekoh

- Holding: A violation of the prophylactic rules described in *Miranda v. Arizona* does not provide a basis for a claim under 42 U.S.C. § 1983.

Nance v. Ward

- Holding: 42 U.S.C. § 1983 is the procedural vehicle appropriate for a prisoner's method-of-execution claim even if an order granting the relief requested would necessitate a change in state law.

Shinn v. Ramirez

- *Martinez v. Ryan*: When state IAC claims must be raised in an initial-review collateral proceeding, procedural default does not bar habeas review if post-conviction counsel was ineffective

- Holding: Under 28 U.S.C. § 2254(e)(2), a federal habeas court may not conduct an evidentiary hearing or otherwise consider evidence beyond the state court record based on the ineffective assistance of state postconviction counsel.

Brown v. Davenport

- Holding: When a state court has ruled on the merits of a state prisoner's claim, a federal court cannot grant habeas relief without applying both the test the Supreme Court outlined in *Brecht v. Abrahamson* and the one Congress prescribed in AEDPA.

- AEDPA: “contrary to” or “unreasonable application of” clearly established law as determined by decisions from the U.S. Supreme Court
- *Brecht v. Abramson*: “substantial and injurious effect or influence on the outcome”

- Proof of prejudice under *Brecht* does not equate to a successful showing under AEDPA
- (*Fry v. Pliler*: “it certainly makes no sense to require formal application of both tests what the latter [*Brecht*] obviously subsumes the former”)

Shoop v. Twyford

- Holding: A transportation order that allows a prisoner to search for new evidence is not "necessary or appropriate in aid of" a federal court's adjudication of a habeas corpus action when the prisoner has not shown that the desired evidence would be admissible in connection with a particular claim for relief.

Kemp v. United States

- Holding: The term "mistake" in Federal Rule of Civil Procedure 60(b)(1) includes a judge's errors of law, which are thus subject to Rule 60(c)'s one-year limitations period.