2021-22 SCOTUS DECISIONS OF NOTE

Hemphill v. New York: The trial court's admission of an allocution transcript of an unavailable witness violated the defendant's Sixth Amendment right to confront the witnesses against him, and the defendant cannot "open the door" to that evidence by testifying or presenting evidence.

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

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

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

Ruan v. United States: 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.

Wooden v. United States: 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.

United States v. Taylor: 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.

Concepcion v. United States: 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: The district court did not abuse its discretion by declining to ask prospective jurors about their specific media consumption about the Boston Marathon bombings nor by excluding from the sentencing proceedings evidence linking the defendant's brother to several unsolved murders.

Vega v. Tekoh: 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: Title 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: 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: 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 the Antiterrorism and Effective Death Penalty Act of 1996.

Shoop v. Twyford: A transportation order that allows a prisoner to search for new evidence — in this case an order compelling the state to transport Raymond Twyford to a medical facility for neurological testing — 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: 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.