

2009-10 Supreme Court Updates

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MICHIGAN V. FISHER

130 S.C.T. 546 (2009)

ISSUE: May officers make a warrantless entry into a residence when there is an objective reason to believe that an occupant needs medical assistance or may be putting someone else in harm's way?

HOLDING: Yes. The Court stated that although searches and seizures within a home are "presumptively unreasonable, that presumption can be overcome." In some cases, the "exigencies of the situation [may] make the needs of law enforcement so compelling" as to permit the entry. One such accepted exigency is the need to assist injured subjects inside a home. The injury does not have to be a serious, life-threatening one to invoke the exception.

The Court reversed the decision to suppress the evidence and remanded the case to Michigan for further proceedings.

PRESLEY V. GEORGIA

130 S.C.T. 721 (2010)

ISSUE: May a judge exclude observers from jury selection?

HOLDING: No, as a rule. The Court noted that the right to a public trial, including voir dire, was "well settled." A trial court is not permitted to completely close a trial until all other reasonable, alternative methods to both address concerns and accommodate the public are made.

The Court reversed the trial court's decision and remanded the case to Georgia for further proceedings.

WILKINS V. GADDY

130 S.C.T. 1175 (2010)

ISSUE: May a prisoner sue under the Eighth Amendment for a minor injury when the use of force is allegedly done for improper reasons?

HOLDING: Yes. The Court noted that "injury and force . . . are only imperfectly correlated, and it is the latter that ultimately counts." As such, even if an injury is minor, that does not prevent a subject from pursuing a claim for excessive force if the action by the officer was arguably acting maliciously or sadistically.

The Court ruled that the dismissal of the action was inappropriate at this stage of the proceedings, and remanded the case back to the trial court for further proceedings.

FLORIDA V. POWELL

130 S.C.T. 1195 (2010)

ISSUE: Must a suspect be expressly advised of his right to counsel during custodial interrogation?

HOLDING: No. The Court noted that

although the Miranda warnings themselves are invariable, that the "Court had not dictated the words in which the essential information must be conveyed." The Tampa police version, although arguably not making it clear that the subject could consult with a lawyer during the actual interrogation, was adequate, even though it varied, somewhat, from the version used by most law enforcement agencies. The Court agreed that the version provided to the subject communicated the required message.

The Florida decision was reversed and the case remanded for further proceedings.

MARYLAND V. SHATZER

130 S.C.T. 1213 (2010)

ISSUE: Is the Edwards v. Arizona prohibition against interrogation of a suspect who has invoked the Fifth Amendment right to counsel inapplicable if, after the suspect asks for counsel, there is a break in custody or a substantial lapse in time (more than two years and six months) before commencing reinterrogation pursuant to Miranda?

HOLDING: Yes. The Court concluded that an invocation of counsel by a subject under interrogation requires an immediate cessation of the questioning. However, the invocation is not eternal, but instead, after the passage of 14 days, an investigator is permitted to re-approach and question the subject, after providing Miranda warnings.

The Court reversed the Maryland decision and remanded the case for further proceedings.

JOHNSON V. U.S.

130 S.C.T. 1265 (2010)

ISSUE: Is a simple battery (in Kentucky, a fourth-degree assault), that has been escalated to a felony by virtue of being a second offense, a "violent felony" for federal repeat offender sentencing?

HOLDING: No. The Court agreed that federal law was not bound by state (in this case, Florida) law for the definition of a violent felony. The Court noted that force could mean many things, depending upon the state law, and that such simple battery (or its equivalent) was generally classified as a misdemeanor. The Court doubted that Congress intended that such conduct, without injury, should be considered a violent felony.

The Court reversed the Eleventh Circuit and remanded the case to Florida for resentencing.

BLOATE V. U.S.

130 S.C.T. 1345 (2010)

ISSUE: May delays due to pretrial motions be automatically excluded from the 70-day Speedy Trial provisions?

HOLDING: Generally, yes. Although the federal Speedy Trial Act requires that a trial be held within 70 days of indictment, it does allow certain types of delay. In this case, all but one of the delays was instigated by the defendant. The Court noted that it was the responsibility of the trial judge to balance the need for the delay against the defendant's rights.

The Court concluded that the appellate courts did not address adequately the STA exclusions that might apply and remanded the case back to the 11th Circuit for further proceedings.

PADILLA V. KENTUCKY

130 S.C.T. 1473 (2010)

ISSUE: Is a noncitizen criminal defendant entitled to advice concerning the risk of deportation?

HOLDING: Yes. The Court noted that over the years, the range of deportable offenses had been broadened, and the discretion given to judges, and the attorney general, to decide if deportation was warranted, had been dramatically reduced. As such, it agreed that the possibility of deportation was extremely important and that a noncitizen defendant was entitled to know if it was a possibility.

The Court reversed the defendant's plea and remanded the case back to Kentucky for further proceedings.

BERGHUIS (WARDEN) V. SMITH

130 S.C.T. 1382 (2010)

ISSUE: May statistical underrepresentation of a minority in a jury pool result in challenge to the ultimate verdict?

HOLDING: No. The Court reviewed the different ways courts had evaluated whether a jury pool was sufficiently diverse, based upon the population of the jurisdiction in question. The defendant argued that the process was flawed and that many factors may have contributed to an underrepresentation of minorities. The Court disagreed that simply the potential for underrepresentation is not enough to overturn a decision.

The Court upheld Smith's conviction and remanded the case back to Michigan to reinstate it. (Intervening appellate decisions had overturned the conviction.)

U.S. V. STEVENS

130 S.C.T. 1577 (2010)

ISSUE: Is 18 U.S.C. §48 impermissibly overbroad and a violation of the First Amendment?

HOLDING: Yes. The Court agreed that the statute, which banned the depiction of activities that resulted in the death of an animal, was too broad, as it would also include, for example, depictions of hunting. It affirmed the lower court's decision in favor of Stevens.

PERDUE (GOVERNOR OF GEORGIA) V. KENNY A. (BY HIS NEXT FRIEND WINN)

130 S.C.T. 1662 (2010)

ISSUE: May a reasonable attorneys' fee in a §1988 case be enhanced for factors already included in the lodestar calculation?

HOLDING: No. The Court discussed the circumstances in federal civil rights litigation that might permit a judge to increase the fees over the lodestar – the fees calculated from the number of hours the attorney works multiplied by the hours. In the case at bar, the trial court had awarded an amount over and above the lodestar for superior performance. In this case, the Court found no justification for a dramatic increase (75 percent over the lodestar) in the fees awarded to the attorney. It also noted that without some idea of how much a final award will be, the defendants are deprived of the ability to properly negotiate a settlement.

The Court reversed the enhanced award and remanded the case back for further proceedings related to the final award amount.

RENICO (WARDEN) V. LETT

130 S.C.T. 1855 (2010)

ISSUE: May a trial court judge declare a mistrial, when they find there is a manifest necessity to do so, without triggering double jeopardy?

HOLDING: Yes. The Court expressed some concern that the trial judge, who decided on a mistrial after a jury indicated it was deadlocked, did not make an explicit written finding or put any factors on the record supporting the decision. However, the Court agreed that the Michigan court had followed longstanding precedent and properly granted the mistrial based upon manifest necessity.

The Court reinstated the Michigan ruling (which had been reversed by the 6th Circuit) and remanded the case for further proceedings. >>

LEWIS V. CITY OF CHICAGO,**130 S.CT. 2191 (2010)****ISSUE:** Does a disparate impact claim require a showing of a discriminatory intent?**HOLDING:** No. The Court agreed that there was no intent to discriminate in the employment practice used to select firefighter candidates for the Chicago Fire Department. However, the process used was determined to have a disparate impact on minority candidates, and as such, was de facto discriminatory.

The Court reversed the 7th Circuit (which had ruled in favor of Chicago) and remanded the case back for further proceedings.

Berghuis (Warden) v. Thompkins, 130 S.Ct. 2250 (2010), Decided June 1, 2010**ISSUE:** Must a subject unambiguously and unequivocally invoke the right to silence?**HOLDING:** Yes. The Court concluded that a subject who wished to invoke their right to silence is required to do so unambiguously, in such a way that there can be no doubt that they are, in fact, doing so. In this case, the defendant remained largely silent under questioning, but did occasionally respond to questions or make comments. The Court agreed that Miranda rights could be waived through informal means, and that the circumstances indicated the defendant clearly understood his rights.

The Court remanded the case to the lower federal court to deny the petition for habeas corpus filed by the defendant.

CARR V. U.S.**130 U.S. 2229 (2010)****ISSUE:** Does the Sex Offender Registration and Notification Act apply to a sex offender's interstate travel that occurred prior to its enactment?**HOLDING:** No. The Court concluded that the statutory interpretation better fit with the defendant's position, that since his travel occurred before SORNA, he could not be held in violation of it.

The Court reversed the 7th Circuit and remanded the case for further proceedings.

HOLDER, ATTORNEY GENERAL V.**HUMANITARIAN LAW PROJECT****130 S.CT. (2010)****ISSUE:** Is the prohibition in 18 U.S.C. §2339B against material support, including training and expert advice or assistance unconstitutionally vague?**HOLDING:** No. The Court agreed that the statute, as amended over several years, was sufficiently clear to be constitutional. The Court noted that it did not in any way impede an individual's right to free speech, as they could say anything they wished about the issue (supporting organizations that engage in activities that could be defined as terrorism) but simply that they could not provide material support to those organizations.

The Court found in favor of upholding the statute and remanded the case for further proceedings.

MCDONALD V. CITY OF CHICAGO**130 S.CT. (2010)****ISSUE:** Is the Second Amendment right to keep and bear arms incorporated in the states by the Fourteenth Amendment?**HOLDING:** Yes. The Court agreed that the Second Amendment was a fundamental right, and incorporated its core provision to the states. It did, however, agree, that the right was not unlimited, and that certain restrictions on the right could be acceptable.

The Court effectively overturned the total ban on handguns and remanded the case back for further proceedings. 🗡️



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