

Supreme Court Review: October Term 2016 – Criminal

AJEI
Long Beach, California
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I. Sixth Amendment right to fair trial

Pena-Rodriguez v. Colorado, 137 S.Ct. 855 (2017). When a juror makes a clear statement indicating that he or she relied on racial stereotypes or animus to convict a criminal defendant, the Sixth Amendment requires that the no-impeachment rule give way in order to permit the trial court to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee.

II. Ineffective assistance of counsel

Buck v. Davis, 137 S.Ct. 759 (2017). (1) The U.S. Court of Appeals for the 5th Circuit exceeded the limited scope of analysis for a certificate of appealability, which, by statute, follows a two-step process: an initial determination whether a claim is reasonably debatable, and, if so, an appeal in the normal course; and (2) petitioner Duane Buck has demonstrated ineffective assistance of counsel under Strickland v. Washington; and (3) the district court's denial of Buck's motion under Federal Rule of Civil Procedure 60(b)(6) was an abuse of discretion.

Weaver v. Massachusetts, 137 S.Ct. 1899 (2017). (1) In the context of a public-trial violation during jury selection, when the error is neither preserved nor raised on direct review but is raised later via an ineffective-assistance-of-counsel claim, the defendant must demonstrate prejudice to secure a new trial; (2) Because Kentel Weaver has not shown a reasonable probability of a different outcome but for counsel's failure to object or that counsel's shortcomings led to a fundamentally unfair trial, he is not entitled to a new trial.

III. Vagueness

Beckles v. United States, 137 S.Ct. 886 (2017). The Federal Sentencing Guidelines, including Section 4B1.2(a)'s residual clause, are not subject to vagueness challenges under the due process clause.

IV. Due process: *Brady*

Turner v. United States, 137 S.Ct. 1885 (2017). The material withheld from disclosure did not meet the requirement for materiality that would be necessary to overturn the conviction under *Brady v. Maryland*.

V. Fourth Amendment

Manuel v. City of Joliet, 137 S.Ct. 911 (2017). An individual's Fourth Amendment right to be free from unreasonable seizure continues beyond legal process so as to allow a malicious prosecution claim based upon the Fourth Amendment.

County of Los Angeles v. Mendez, 137 S.Ct. 1539 (2017). The Ninth Circuit's provocation rule, pursuant to which a law enforcement officer may be held responsible for an otherwise reasonable use of force where the officer intentionally or recklessly provoked a violent confrontation through a warrantless entry that was itself an independent Fourth Amendment violation, is incompatible with the Court's excessive force jurisprudence. But law enforcement officials can be held liable for harms that are shown to be proximately caused by Fourth Amendment violations.