

2018-2019 SUPREME COURT REVIEW AND PREVIEW

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I. Double Jeopardy

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

Because the Court declines to overrule the “separate sovereign” exception to the Double Jeopardy Clause, a defendant may be charged in both state and federal court for the same offense.

II. Search and Seizure

A. Warrant Exceptions

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

The fact that a motorist suspected of intoxicated driving is unconscious will, in almost all cases, provide an exigent circumstance allowing for a warrantless blood draw.

B. Investigatory Stops and Reasonable Suspicion

***Kansas v. Glover* (argued November 4, 2019)**

Absent any information to the contrary, does an officer have reasonable suspicion to believe that the registered owner of a vehicle is the person who is driving it?

III. Right to an Impartial Jury—*Batson* Challenges

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

In a case in which prior convictions had repeatedly been overturned because the prosecutor committed *Batson* violations, the Mississippi Supreme Court committed *Batson* error by crediting the prosecutor’s race-neutral reasons to strike five of the six potential black jurors.

IV. Right to a Unanimous Jury

***Ramos v. Louisiana* (argued October 7, 2019)**

Does the Fourteenth Amendment fully incorporate the Sixth Amendment right to a jury trial, including the requirement of a unanimous verdict?

V. Right to Present a Defense

***Kahler v. Kansas* (argued October 7, 2019)**

May a state completely abolish the insanity defense?

VI. Right to Counsel--Ineffective Assistance

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

The presumption of prejudice from *Roe v. Flores-Ortega* applies even when counsel refuses the defendant's request to file a notice of appeal because the plea agreement included an appeal waiver.

VII. Sentencing and Punishment

A. Excessive Fines

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

The Fourteenth Amendment incorporates the Eighth Amendment Excessive Fines Clause against the states and thereby may limit excessive civil and criminal forfeitures.

B. Mandatory Minimums—the *Apprendi* Rule

***United States v. Haymond*, 139 S.Ct. 2369 (2019)**

A federal statute requiring a judge to impose a mandatory minimum term of re-imprisonment upon the judge's finding, by a preponderance, that a defendant on supervised release has committed a specified new crime violates the Fifth and Sixth Amendments right to a jury trial.

C. Juvenile Sentencing—the *Miller v. Alabama* Rule

***Mathena v. Malvo* (argued October 16, 2019)**

Did *Montgomery v. Louisiana*, which held that *Miller* applied retroactively to cases no longer on direct review, also expand *Miller* to apply to cases in which juveniles received life without parole under sentencing schemes that did not require that sentence?

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