

# 2020-2021 SUPREME COURT REVIEW AND PREVIEW

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## I. Search and Seizure

### A. What Amounts to a Seizure?

***Torres v. Madrid* (argued October 14, 2020)**

Is an unsuccessful attempt to detain a suspect by use of physical force a “seizure” within the meaning of the Fourth Amendment?

### B. Investigatory Stops and Reasonable Suspicion

***Kansas v. Glover*, 140 S.Ct. 1183 (2020)**

Absent any information to the contrary, an officer has reasonable suspicion to believe that the registered owner of a vehicle is the person who is driving it and may therefore stop the vehicle if the owner has a revoked or suspended driver’s license.

### C. Warrantless Entries: The Hot Pursuit Exception

***Lange v. California* (to be argued February 2021)**

May an officer always use the hot pursuit doctrine to justify a following a suspect into his home without a warrant so long as the officer has probable cause that the suspect committed any jailable misdemeanor?

### D. Warrantless Entries: The Community Caretaker Exception

***Caniglia v. Strom* (to be argued March 2021)**

Does the community caretaker exception apply to the home such that an officer may perform a warrantless entry to remove weapons from a home occupied by a person suffering from mental illness?

## II. Right to a Unanimous Jury

***Ramos v. Louisiana*, 140 S.Ct. 1390 (2020)**

Since the Fourteenth Amendment and/or the Privileges and Immunities Clause fully incorporates the Sixth Amendment right to a jury trial, including the requirement of a unanimous verdict, a state may not obtain criminal convictions by less than unanimous verdicts.

### III. Right to Present a Defense

#### ***Kahler v. Kansas*, 140 S.Ct. 1021 (2020)**

A state may, consistent with due process, completely abolish the moral incapacity version of the insanity defense (while still allowing the defendant to claim that he lacked the mens rea because of insanity and to argue for mitigation at sentencing).

### IV. Juvenile Sentencing—the *Miller v. Alabama* Rule

#### ***Jones v. Mississippi* (argued November 3, 2020)**

Must the sentencing judge or jury find a juvenile to be permanently incorrigible before imposing a life without parole sentence?

### V. Postconviction Relief

#### **A. Retroactive Application of Precedent**

##### ***Edwards v. Vannoy* (to be argued December 2, 2020)**

Does *Ramos v. Louisiana*, which held that non-unanimous verdicts are unconstitutional, apply to cases on collateral review?

#### **B. Successive Habeas Petitions**

##### ***Banister v. Davis*, 140 S.Ct. 1698 (2020)**

A Rule 59 motion, filed after the denial of a federal habeas petition to seek reconsideration of that denial before proceeding with an appeal, does not count as a second or successive habeas petition under AEDPA.

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