

United States Supreme Court Cases relevant to Juvenile Justice 2004-2005 term

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Fourth Amendment

Illinois v. Cabales, 125 S. Ct. 834 (2004). A drug-detection dog sniff during a legitimate traffic stop is not a 4th Amendment “search” requiring reasonable, articulable suspicion.

Muehler v. Mena, 125 S. Ct. 1465 (2004). The police may detain, handcuff and question a person who is not suspected of any crime, just because he is present in someone else’s house that is being searched. Police questioning, beyond the scope of the search, is also not a violation of the Fourth Amendment.

Davenport v. Alford, 125 S. Ct. 588 (2004). A warrantless arrest is valid so long as there was probable cause at the time of the arrest, regardless of whether the offense was “closely related” to the offense the arresting officer identified as the reason for arrest.

Fifth Amendment - Due process and double jeopardy

Deck v. Missouri, 125 S. Ct. 2007 (2005). It violates a defendant’s right to a fair trial to use shackles on a defendant during the sentencing phase of a capital case.

Bradshaw v. Stumpf, 125 S. Ct. 2398 (2005). A guilty plea is voluntary when counsel informs the defendant of the elements of the offense. Due process is not violated by the prosecution presenting conflicting theories in different trials. Case was remanded, though, for determination of the appropriateness of the sentence.

Smith v. Massachusetts, 125 S. Ct. 1129 (2005). If a judge grants a defense motion for a required finding of not guilty, it violates the double jeopardy clause for the court to then submit the charge to the jury, even if the jury has not been informed of the court’s ruling.

Sixth Amendment - Apprendi Issues

United States v. Booker, 125 S. Ct. 738 (2005). The principles of Apprendi v. New Jersey and Blakely v. Washington apply to the federal sentencing guidelines. The guidelines are to be advisory, not mandatory. Appellate review should be to determine whether a sentence is reasonable.

Sixth Amendment - Effective assistance of counsel

Rompilla v. Beard, 125 S. Ct. 2456 (2005). The failure of the defense to read the files from defendant’s prior conviction and to investigate possible abuse and mental retardation of defendant was ineffective assistance of counsel and state court was unreasonable in rejecting this conclusion.

Halbert v. Michigan, 125 S.Ct. 2514 (2005). Indigent defendants entitled to appointment of counsel for “first tier” appellate review, even if not an appeal “of right”.

Florida v. Nixon, 125 S.Ct. 551 (2004). It is not necessarily ineffective assistance to concede guilt and concentrate on sentencing factors in trial of a difficult capital case, even where defendant does not give personal consent to the strategy.

Eighth Amendment

Roper v. Simmons, 125 S. Ct. 1183 (2005). Execution of juveniles ages 16-17 violates the Eighth Amendment prohibition against cruel and unusual punishment.

14th Amendment - Equal Protection

Johnson v. California, 125 S. Ct. 2410 (2005). It is not appropriate to require a showing that it was more likely than not that race was used as the basis for peremptory challenges in order to make out a prima facie case of a *Batson* violation. Instead, a defendant satisfies *Batson*'s first step requirements by producing evidence sufficient to permit the trial judge to draw an inference that discrimination has occurred.

Miller-El v. Dretke, 125 S. Ct. 2317 (2005). Defendant proved *Batson* violation by showing that prosecutor's office had policy of striking black prospective jurors when there was a black defendant; that blacks were struck when whites with similar circumstances were not; that blacks were asked different questions than whites; and that the prosecutor "shuffled" the jury when prospective black jurors were coming up.

14th Amendment - Civil Rights - Prisoners

Johnson v. California, 125 S. Ct. 1141 (2005). Routine racial segregation of prisoners must meet strict scrutiny.

Wilkinson v. Austin, 125 S. Ct. 2384 (2005). Inmates had a liberty interest protected by the Fourteenth Amendment's Due Process Clause in avoiding assignment to state's supermax prison. However, state's information, nonadversary procedures for placement of inmate in supermax prison were adequate to safeguard inmate's liberty.

Interesting Criminal Law Certs Granted for Next Term

Maryland v. Blake, No. 04-373: Can police "cure" an Edwards violation of a request for counsel, so that later "initiation" is valid? Argument set for November 1.

Georgia v. Randolph, No. 04-1067: May police search home based on consent of one occupant, when co-occupant who is present refuses consent? Argument set for November 8.

Rice v. Collins, No. 04-52: How should federal courts review credibility determinations in habeas cases? Argument set for December 5.

House v. Bell, No. 04-8990: What is the standard for an "actual innocence" claim to require review in habeas? Argument unscheduled.