

SUPREME COURT REVIEW AND PREVIEW

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I. Search and Seizure

A. Search Warrants and Their Execution

***United States v. Grubbs*, 126 S.Ct. 1494 (2006)**

Anticipatory search warrants do not violate the Fourth, even if the triggering condition is not specified in the warrant.

B. Warrantless Entries and the Exigency Exception

***Brigham City v. Stuart*, 126 S.Ct. 1943 (2006)**

Warrantless police entry to break up an ongoing brawl permissible under exigency exception.

C. Consent Searches

***Georgia v. Randolph*, 126 S.Ct. 1515 (2006)**

The police may not rely on the consent of one resident to enter and search a home when another resident is present and objecting to the entry and search.

D. Other Reasonable Searches

***Samson v. California*, 126 S.Ct. 2193 (2006)**

The police may perform suspicionless searches on parolees, at least where submission to such searches is a condition of parole.

E. The Exclusionary Rule and the Knock and Announce Requirement

***Hudson v. Michigan*, 126 S.Ct. 2159 (2006)**

A violation of the knock and announce rule does not require the exclusion of any evidence found inside the home following the entry.

II. Confessions and the Vienna Convention

***Sanchez-Llamas v. Oregon*, 126 S.Ct. 2669 (2006)**

Even assuming the Vienna Convention create an individually enforceable right to have local officials notify foreign consulates of a foreign national's arrest, violation of the Convention result will not result in suppression of the foreign national's statements.

III. Miscellaneous Trial Issues

A. Confrontation

***Davis v. Washington*, 126 S.Ct. 2266 (2006)**

“Testimonial” statements within the meaning of *Crawford v. Washington* do not include contemporaneous statements from victims requesting help, but do include statements made to authorities after the emergency has passed.

***Whorton v. Bockting* (argued Nov. 1, 2006)**

Is *Crawford* retroactive?

B. Due Process/Right to Present a Defense

***Holmes v. South Carolina*, 126 S.Ct. 1727 (2006)**

Evidentiary rule requiring defendant to make extraordinary showing before presenting evidence that another person committed the crime violates Due Process Clause.

***Dixon v. United States*, 126 S.Ct. 2436 (2006)**

Burden may be constitutionally placed on defendant to prove duress defense by preponderance of evidence.

***Clark v. Arizona*, 126 S.Ct. 2709 (2006)**

State laws imposing stringent version of *M’Naghten* insanity test and barring defendant from attempting to negate *mens rea* with evidence of mental illness do not violate Due Process Clause.

C. Conduct of Trial

***Carey v. Musladin*, (argued Oct. 11, 2006)**

Does Supreme Court precedent clearly establish that right to fair trial is denied when spectators are permitted to wear buttons depicting image of victim?

IV. Sentencing—*Blakely* and *Booker*

***Cunningham v. California* (argued Oct. 11, 2006)**

Does California’s scheme of presumptive sentences and judicial departures violate *Blakely*

***Claiborne & Rita v. United States* (to be argued Mar. 2007)**

Are sentences within the federal guidelines presumptively reasonable, and must a judge point to extraordinary circumstances to impose a sentence below the guidelines?

Burton v. Waddington, (argued Nov. 7, 2006)
Is *Blakely* retroactive?

V. Errors—Structural or Subject to Harmless Error Review?

Washington v. Recuenco, 126 S.Ct. 2546 (2006)
Blakely violations are subject to harmless error analysis.

United States v. Resendiz-Ponce (argued Oct. 10, 2006)
Is omission of element from indictment structural error or subject to harmless error analysis?

United States v. Gonzalez-Lopez, 126 S.Ct. 2557 (2006)
Erroneous denial of counsel of choice is structural error.

VI. Post-Conviction Relief—Actual Innocence

House v. Bell, 126 S.Ct. 2064 (2006)
Persuasive showing of actual innocence justified permitting habeas petitioner's claims to proceed despite procedural bar.