

SUPREME COURT CERT GRANTS

Cases to watch and issues to
preserve

ARGUED - AWAITING OPINIONS

- **Gamble v. U.S., 17-646 (Argued 12/6/2018)** - Whether the Court should overrule the "separate sovereigns" exception to the Double Jeopardy Clause.
- **U.S. v. Gundy, 17-6086 (Argued 10/2/2018)** - Whether SORNA's delegation of authority to the Attorney General to issue regulations under 42 U.S.C. § 16913(d) violates the non-delegation doctrine.

CERT GRANTED - AWAITING ARGUMENT

- **Quarles v. U.S., 17-778** - Whether (as two circuits hold) the definition of generic burglary in *Taylor v. U.S.*, 495 U.S. 575 (1990), requires proof that intent to commit a crime was present at the time of unlawful entry or first unlawful remaining, or whether (as the court below and three other circuits hold) it is enough that the defendant formed the intent to commit a crime at any time while "remaining in" the building or structure.
- **Garza v. Idaho, 17-1026** - Does the "presumption of prejudice" recognized in *Roe v. Flores-Ortega*, 528 U.S. 470 (2000), apply where a criminal defendant instructs his trial counsel to file a notice of appeal but trial counsel decides not to do so because the defendant's plea agreement included an appeal waiver?

CERT GRANTED - AWAITING ARGUMENT

- **U.S. v. Haymond, 17-1672** - Whether the court of appeals erred in holding "unconstitutional and unenforceable" the portions of 18 U.S.C. 3583(k) that required the district court to revoke respondent's ten-year term of supervised release, and to impose five years of reimprisonment, following its finding by a preponderance of the evidence that respondent violated the conditions of his release by knowingly possessing child pornography.
- **Rehaif v. U.S., 17-9560** - Whether the "knowingly" provision of § 924(a)(2) applies to both the possession and status elements of a § 922(g) crime, as has been urged by then-Judge, now Justice Gorsuch, or whether it applies only to the possession element, as has been held by the courts.

CERT GRANTED - AWAITING ARGUMENT

- **Mont v. U.S., 17-8995** - Whether a statute directed to the administration of imprisoned individuals serves as authority to alter or suspend the running of a criminal sentence of supervised release, when such "tolling" is without judicial action, and requires the term "imprisonment" as used in the administrative statute, to include pretrial detention prior to an adjudication of guilt. Is a district court required to exercise its jurisdiction in order to suspend the running of a supervised release sentence as directed under 18 U.S.C. §3583(i) prior to expiration of the term of supervised release, when a supervised releasee is in pretrial detention, or does 18 U.S.C. §3624(e) toll the running of supervised release while in pretrial detention?

CERT GRANTED - AWAITING ARGUMENT

- **U.S. v. Davis, 18-431** - Whether the subsection-specific definition of "crime of violence" in 18 U.S.C. 924(c)(3)(B), which applies only in the limited context of a federal criminal prosecution for possessing, using, or carrying a firearm in connection with acts comprising such a crime, is unconstitutionally vague.
- **Mitchell v. Wisconsin, 18-6210** - Whether a statute authorizing a blood draw from an unconscious motorist provides an exception to the Fourth Amendment warrant requirement.