

Coming Attractions

Cert Grants

- *Beckles v. U.S.*, No. 15-8544 (Argued 11/28/2016) - Issue(s): (1) Whether *Johnson v. United States* applies retroactively to collateral cases challenging federal sentences enhanced under the residual clause in United States Sentencing Guidelines (U.S.S.G.) § 4B1.2(a)(2) (defining “crime of violence”); (2) whether *Johnson's* constitutional holding applies to the residual clause in U.S.S.G. § 4B1.2(a)(2), thereby rendering challenges to sentences enhanced under it cognizable on collateral review; and (3) whether mere possession of a sawed-off shotgun, an offense listed as a “crime of violence” only in commentary to U.S.S.G. § 4B1.2, remains a “crime of violence” after *Johnson*.
- *Lynch v. Dimaya*, No. 15-1498 (Argued 01/17/2017) - Issue(s): Whether 18 U.S.C. 16(b), as incorporated into the Immigration and Nationality Act's provisions governing an alien's removal from the United States, is unconstitutionally vague.
- *District of Columbia v. Wesby*, No. 15-1485 (Awaiting argument date) - Issue(s): (1) Whether police officers who found late-night partiers inside a vacant home belonging to someone else had probable cause to arrest the partiers for trespassing under the Fourth Amendment, and in particular whether, when the owner of a vacant home informs police that he has not authorized entry, an officer assessing probable cause to arrest those inside for trespassing may discredit the suspects' questionable claims of an innocent mental state; and (2) whether, even if there was no probable cause to arrest the apparent trespassers, the officers were entitled to qualified

immunity because the law was not clearly established in this regard.

- *Honeycutt v. U.S.*, No. 16-142 (Awaiting argument date) - Issue(s): Whether 21 U.S.C. § 853(a)(1) mandates joint and several liability among co-conspirators for forfeiture of the reasonably foreseeable proceeds of a drug conspiracy.
- *Turner v. U.S.*, No. 15-1503 & *Overton v. U.S.*, No. 15-1504 (Awaiting argument date) - Issues: (1) whether, under *Brady v. Maryland*, 373 U.S. 83 (1963), courts may consider information that arises after trial in determining the materiality of suppressed evidence; and (2) whether, under *Brady*, a court may require a defendant to demonstrate that suppressed evidence “would have led the jury to doubt virtually everything” about the government’s case in order to establish that the evidence is material.

Proposed Guidelines Amendments

- First Offenders/Alternatives to Incarceration - a multi-part proposed amendment to provide lower guideline ranges for “first offenders” generally and increase the availability of alternatives to incarceration for such offenders at the lower levels of the Sentencing Table; and (B) revisions to amend the Sentencing Table to expand Zone B by consolidating Zones B and C and amend the Commentary to §5F1.2 (Home Detention) to revise language requiring electronic monitoring.
- Youthful Offenders - a proposed amendment to §4A1.2 to revise how juvenile sentences are considered for purposes of calculating criminal history points, and to the Commentary to §4A1.3 (Departures Based on Inadequacy of Criminal History Category (Policy Statement)) to account for cases in which a defendant had an adult conviction for an offense committed

prior to age eighteen counted in the criminal history score that would have been classified as a juvenile adjudication (and therefore not counted) if the laws of the jurisdiction in which the defendant was convicted did not categorically consider offenders below the age of eighteen years as “adults.”

- Criminal History Issues - a multi-part proposed amendment (A) amending §4A1.2 to revise how revocations of probation, parole, supervised release, special parole, or mandatory release are considered for purposes of calculating criminal history points; and (B) amending the Commentary to §4A1.3 to account for cases in which the period of imprisonment actually served by the defendant was substantially less than the length of the sentence imposed for a conviction counted in the criminal history score.
- Bipartisan Budget Act - amending §2B1.1 to address new increased penalties for certain persons who commit fraud offenses under certain Social Security programs.
- Acceptance of Responsibility - a proposed amendment to the Commentary to §3E1.1 to revise how the defendant’s challenge of relevant conduct should be considered in determining whether the defendant has accepted responsibility for purposes of the guideline.