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Supreme Court Update

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SUPREME COURT UPDATE

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I. Scope of This Outline

This outline contains all criminal law and criminal procedure cases heard by the Supreme Court in its 2014 Term *except* those pertaining solely to federal practice – because, for instance, the issue presented concerns interpretation of a federal criminal law or rule. In each section, cases already decided are discussed first, followed by a description of the issues presented in those still awaiting decision at the time of writing. The final section briefly describes criminal law and criminal procedure cases slated, to date, to be heard in the October 2015 Term.

A terrific resource for all of these cases, and to track the Supreme Court's jurisprudence in general, is SCOTUSblog.com, which, for each case on which certiorari is granted, compiles the briefs, transcript of oral argument, and decision from the Court, as well as commentary on the cases.[1]

II. The Fourth Amendment

Grady v. North Carolina, 135 S. Ct. 1368 (2015) (per curiam): Electronic sex offender monitoring

Petitioner Torrey Dale Grady was convicted in North Carolina of multiple sexual offenses that rendered him eligible, as a recidivist, for electronic monitoring – or "satellite-based monitoring" – following his release from prison. North Carolina's satellite-based monitoring program required Grady to wear an electronic tracking device at all times. Grady challenged this under the Fourth Amendment.

Held: North Carolina's satellite-based monitoring program effected a "search" within the meaning of the Fourth Amendment because of its physical intrusion, consistent with *United States v. Jones*, 132 S. Ct. 945 (2012). However, the Court remanded the case to determine whether the search here was reasonable (consistent with the Fourth Amendment) or not.

Heien v. North Carolina, 135 S. Ct. 530 (2014): Officer's mistaken view of law underlying reasonable suspicion for seizure

A car was headed along I-77 near Dobson, North Carolina, when Sergeant Matt Darisse, sitting in his patrol car, noticed that only one of the vehicle's brake lights was not working. Darisse pulled the vehicle over, and in the course of issuing a warning ticket for the broken brake light, he became suspicious of the actions of the two occupants. One of those occupants, Petitioner Heien, was the owner of the car. Heien gave Darisse consent to search the vehicle, which search uncovered cocaine. When Heien was charged with attempted trafficking, he

[1] *See*, *e.g.*, SCOTUSblog, http://www.scotusblog.com.

moved to suppress the cocaine arguing that Darisse should not in fact have pulled over the vehicle for the faulty brake light because North Carolina law – specifically N.C. Gen. Stat. Ann. § 20–129(g) – required only a single break light or "stop lamp." In other words, Heien argued that Darisse was mistaken about whether North Carolina law proscribed his conduct vis-à-vis the vehicle. The State Supreme Court held that, even assuming that the car's broke brake light did not violate state law, Darisse's mistaken understanding of the law was reasonable, and thus the stop did not violate the Fourth Amendment.

Held: An officer's reasonable mistake of the law justifying a search constituted reasonable suspicion justifying the stop under the Fourth Amendment.

Carroll v. Carman, 135 S. Ct. 348 (2014) (per curiam): Scope of the "knock and talk" exception

This is a civil action under 42 U.S.C. § 1983, in which the plaintiffs alleged that a Pennsylvania State Police officer violated the Fourth Amendment when he went into their backyard and onto their deck without a warrant. The police had received information that a crime suspect had fled to the plaintiffs' home. The defendant officers approached the home via a "sliding glass door that opened onto a ground-level deck," *Carroll v. Carman*, 135 S. Ct. 348, 349 (2014), rather than the front entrance of the property. The approach prompted a response from the plaintiff and a physical encounter ensued. The crime suspect was not found on the property, and the plaintiffs were not charged with any crimes. Plaintiffs sued under 42 U.S.C. 1983 alleging that the police encounter violated the Fourth Amendment. The defendants countered that their actions were lawful under the "knock and talk" exception to the warrant requirement, because they knocked on plaintiffs' door while standing in a part of their property where the general public was invited to be. A jury rendered a verdict for defendants, after being instructed that the knock and talk exception to the warrant requirement "'allows officers without a warrant to knock on a resident's door or otherwise approach the residence seeking to speak to the inhabitants, just as any private citizen might,'" but that officers "'should restrict their movements to . . . places where visitors could be expected to go.'" The Third Circuit reversed, holding that the "knock and talk" exception is more narrow, requiring that officers approach only the front door. The Third Circuit further held that at the time of the actions giving rise to this suit, that principle of law was "clearly established" such that Carroll did not have qualified immunity from suit. The Supreme Court reversed.

Held: The law did not clearly establish in 2009 that the knock and talk exception to the warrant requirement permits officers only to approach the front door of a residence, and therefore the defendant "did not violate clearly established federal law when he went to a sliding glass door that he believed was a customary entryway that was open to visitors."

Rodriguez v. United States, __ S. Ct. __, 2015 WL 1780927 (Apr. 21, 2015): Permissible duration of traffic stop to conduct dog sniff

A Nebraska police officer stopped Dennys Rodriguez for swerving toward the shoulder of the road. The officer questioned Rodriguez and completed the process of issuing him a written warning. Then the officer asked for permission to walk his drug-sniffing dog around the outside of Rodriguez's vehicle. Rodriguez refused, the officer ordered him out of the car, and when a

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