

UT CLE

U.S. Supreme Court Update for Criminal Appeals

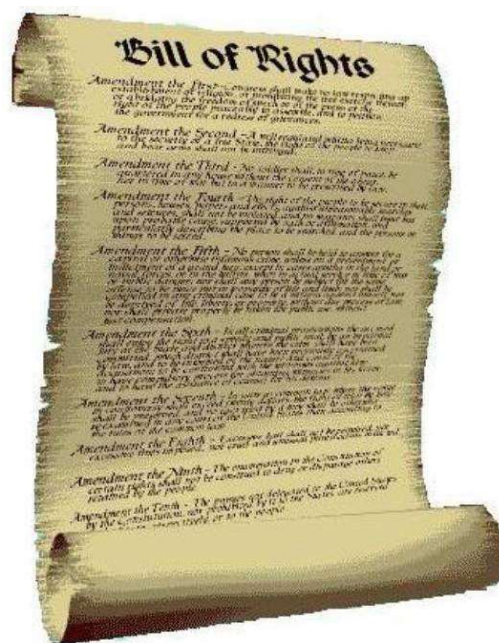
THE UNIVERSITY OF TEXAS AT AUSTIN
SCHOOL OF LAW

Professor Jennifer Laurin
University of Texas School of Law
jlaurin@law.utexas.edu

1

Presentation Overview

- **Fourth Amendment**
 - *Kansas v. Glover*
- **Sixth Amendment**
 - *Andrus v. Texas*
 - *Ramos v. Louisiana*
- **Sixth/Eighth Amendment**
 - *McKinney v. Arizona*
- **Fourteenth Amendment**
 - *Kahler v. Kansas*



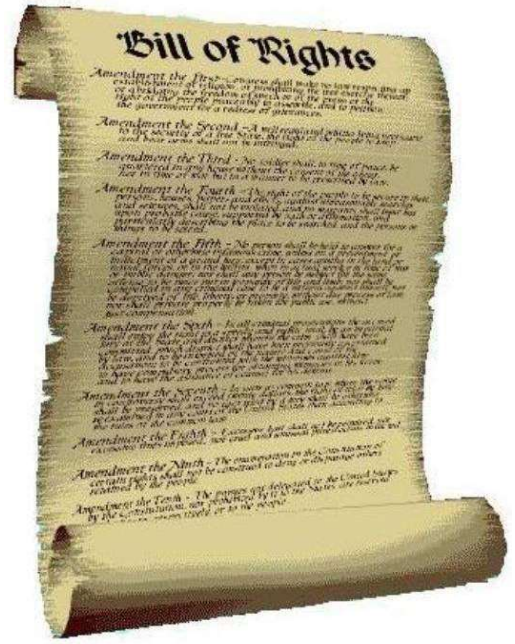
THE UNIVERSITY OF TEXAS AT AUSTIN
SCHOOL OF LAW

2

2

Presentation Overview

- **Article VI, para. 2 (What?!)**
 - *Kansas v. Garcia*
- **28 U.S.C. § 2244**
 - *Banister v. Davis*
- **Coming Attractions:**
 - *Edwards v. Vannoy*
 - *Jones v. Mississippi*
 - *Torres v. Madrid*



Fourth Amendment

- **Kansas v. Glover, 140 S. Ct. 1183 (2020)**
 - **Question presented:** For purposes of an investigative stop under the 4th Amendment, is it reasonable for an office to suspect that the registered owner of a vehicle is the one driving the vehicle absent any information to the contrary?



Fourth Amendment

- **Kansas v. Glover, 140 S. Ct. 1183 (2020)**
 - **Held (8-1, Justice Thomas writing):** Yes. Knowledge of car make/model + identity of registrant + knowledge that registrant's license was revoked = *reasonable* suspicion that driver was committing offense.
 - Officer may rely on "common sense" judgment that there the registered owner might be the driver. Dissent turns R.S. into too technical/exacting a standard, and wrongly requires that police expertise rather than common sense drive inferences.
 - Facts suggesting driver was *not* registrant might change outcome (but defendant must produce)

Fourth Amendment

- **Kansas v. Glover, 140 S. Ct. 1183 (2020)**
 - **Justice Kagan concurrence (w/ Justice Ginsburg):**
 - Crucial fact: In Kansas, most revocations are for "serious or repeated driving offenses," so reasonable to assume person with revoked license has a proclivity for breaking vehicular law. Different legal framework for revocation (or suspension) might change outcome.
 - Invitation/encouragement for litigants to use statistical evidence to evaluate reasonableness of suspicion – e.g. "hit rates"/frequency with which these stops discover unlicensed drivers behind the wheel.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: U.S. Supreme Court Update for Criminal Appeals

Also available as part of the eCourse

[Supreme Court Update](#)

First appeared as part of the conference materials for the
2020 U.S. Supreme Court Update for Criminal Appeals session
"U.S. Supreme Court Update for Criminal Appeals"