

UT CLE

U.S. Supreme Court Update for Criminal Appeals

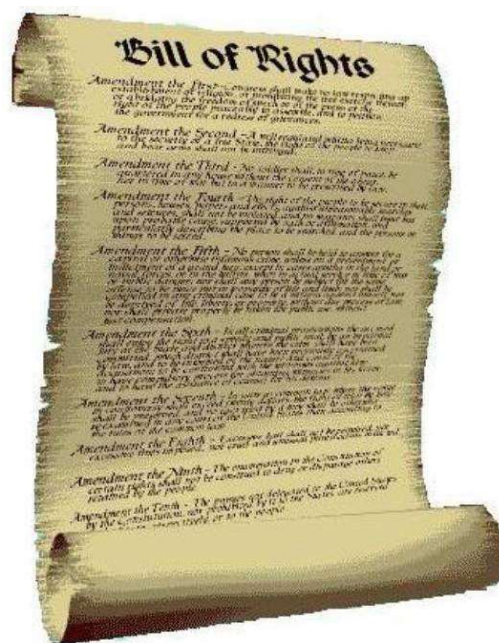
THE UNIVERSITY OF TEXAS AT AUSTIN
SCHOOL OF LAW

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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*



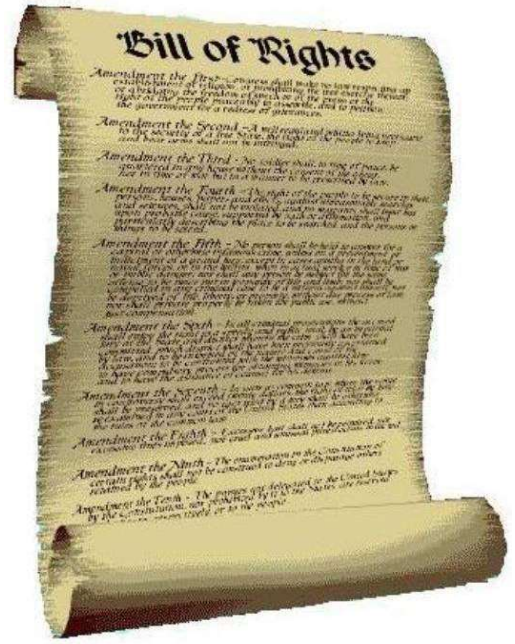
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Presentation Overview

- **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 Knowledge of car make/model + identity of registrant + knowledge that registrant's license was revoked = *reasonable* suspicion that driver was committing offense.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.

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