

UT CLE

U.S. Supreme Court Update – 2020 Term

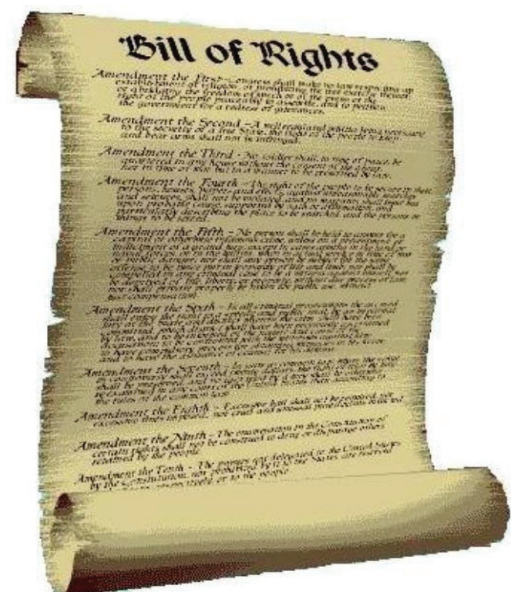
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Presentation Overview

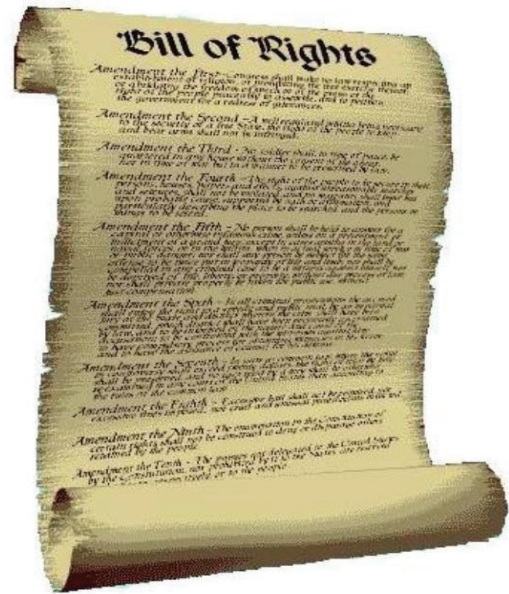
- **Fourth Amendment**
 - *Torres v. Madrid*
 - *Caniglia v. Strom*
 - *Lange v. California*
- **Sixth Amendment**
 - *Edwards v. Vannoy*
- **Eighth Amendment**
 - *Jones v. Mississippi*



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Presentation Overview

- **Coming Attractions**
 - *Hemphill v. New York*
 - *U.S. v. Tsarnaev*



But First – Some Themes

- Remote argument
 - Draws out Justice Thomas
 - Cases of mistaken identity
- Fourth Amendment originalism ascendant
- Abortion proxy wars continue
- Occasional fissures in conservative bloc: Chief Justice and *Kavanaugh v. Thomas, Alito, Gorsuch and Barrett*



Fourth Amendment

- **Torres v. Madrid, 141 S. Ct. 989 (2021)**
 - **Question presented:** Is an unsuccessful attempt to detain a suspect by use of physical force a “seizure” within the meaning of the Fourth Amendment?



Fourth Amendment

- **Torres v. Madrid, 141 S. Ct. 989 (2021)**
 - **Held (5-3, Chief Justice Roberts writing):** Yes. “[T]he application of physical force to the body of a person with intent to restrain is a seizure even if the person does not submit and is not subdued.” (Torres was “seized” when officers shot her with intent to restrain her movement.)
 - *California v. Hodari D.*, 499 U. S. 621 (1991), informs analysis (and name-checking the late Justice Scalia)
 - Canvassing the common law



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