

**CRIMINAL CASE SUMMARIES**  
**SUPREME COURT OF THE UNITED STATES**  
**2017 - 2018 TERM**

**United States Supreme Court Cases – October 2016 Term**

**Jae Lee v. United States, No. 16-327 (decided June 23, 2017)**

Jae Lee was given bad legal advice. Lee, a lawful permanent resident, was charged with federal drug offenses, and his attorney assured him that a guilty plea would not lead to deportation. Based on that assurance, Lee pled guilty and was sentenced to a year and a day in prison. In fact, the offense amounted to an “aggravated felony” under the Immigration and Nationality Act, which made Lee subject to mandatory deportation. When Lee found this out, he moved to vacate his conviction and sentence, arguing that his attorney had provided constitutionally ineffective assistance. The Supreme Court agreed.

Before the Supreme Court, it was uncontested that Lee’s counsel had given him erroneous legal advice. Instead, the issue was whether that advice had caused Lee prejudice. The government argued that the evidence against Lee was overwhelming and that Lee would probably have been found guilty had he gone to trial instead of following counsel’s advice. The Supreme Court agreed with the government that a defendant raising a claim of ineffective assistance claim must show prejudice—that, but for counsel’s unprofessional errors, the result of the proceeding would have been different. It ruled, however, that when a defendant pleads guilty, prejudice can be shown by demonstrating a reasonable probability that, but for counsel’s errors, the defendant would not have pled guilty and would have insisted on going to trial. Here, the evidence showed that if Lee had correctly understood the deportation consequences of a guilty plea he would have gone to trial in the slim hope that he would have avoided conviction. That is, even if it is likely that Lee would be found guilty at trial, his counsel’s bad advice caused him prejudice by convincing him to plead guilty and forego trial.

## United States Supreme Court Cases – October 2017 Term

### **Byrd v. United States, No. 16-1371, 138 S. Ct. \_\_\_ (May 14, 2018).**

State troopers in Pennsylvania pulled over a car driven by Terrence Byrd, who was the car's only occupant. The troopers learned the car was a rental car but Byrd was not listed on the rental agreement. Accordingly, the troopers indicated that they did not need consent from Byrd to search the car; in searching the car they found forty-nine bricks of heroin. Byrd was charged federally with possession and distribution of heroin. The lower court denied Byrd's motion to suppress, concluding that because Byrd was not listed on the rental agreement, he did not have a reasonable expectation of privacy in the car. The Third Circuit affirmed.

The U.S. Supreme Court granted certiorari to answer this question: Does a driver of a rental car have a reasonable expectation of privacy in a rental car when he or she is not listed as the authorized driver on the rental agreement? Rejecting the view of most lower courts, the Supreme Court held:

As a general rule, someone in otherwise lawful possession and control of a rental car has a reasonable expectation of privacy in it even if the rental agreement does not list him or her as an authorized driver.

Here, however, the case was remanded to determine whether this general rule is applicable given the government's position that the driver in this case had no greater expectation of privacy than a car thief. The government contended that Byrd, the driver of the rental car, used another person to rent the car to bypass the rental car company and thereby became a driver through fraud.

Justice Kennedy wrote for a unanimous court.

**Class v. United States, No. 16-424 (decided Feb. 21, 2018)**

Rodney Class was charged with violating 40 U. S. C. § 5104(e)(1), which makes it a felony to carry firearms on the grounds of the United States Capitol. Class filed a pro se motion to dismiss the case on the ground that the statute violates the Second Amendment. After the district court denied the motion, Class entered into a written plea agreement, under which he agreed to waive his right to trial. The agreement said nothing about Class's ability to appeal the court's ruling on the constitutionality of the firearms statute. After sentencing, Class filed an appeal to challenge the constitutionality of the statute. The D.C. Circuit ruled that, by pleading guilty, Class had waived the right to challenge the constitutionality of the statute.

In a 6-3 decision authored by Justice Breyer, the Supreme Court reversed and held that a guilty plea does not by itself bar a criminal defendant from challenging the constitutionality of the statute creating an offense. Without ruling on whether a plea might validly waive a right to appeal the constitutionality of a conviction, the Court ruled that nothing in Class's plea agreement implicitly or explicitly amounted to such a waiver. Dissenting, Justice Alito criticizes the majority's opinion for failing to make clear a standard for identifying appellate claims that are waived by a guilty plea.

**Collins v. Virginia, No. 16-1027, 138 S.Ct. \_\_\_\_ (May 29, 2018).**

Police were looking for a motorcycle implicated in a crime and suspected that Collins had it. An officer drove by a house where, based on a prior investigation, he thought Collins stayed and where he thought the motorcycle might be located. The officer saw what appeared to be a motorcycle under a tarp parked at the top of a driveway that ran directly alongside the home. The portion of the driveway where the motorcycle was parked was enclosed on three sides. The officer walked onto the property, pulled the tarp off the motorcycle, then ran a search of the license plate and confirmed it was stolen. He took a picture, put the tarp back on, and went to wait for Collins. When Collins came home, the officer knocked on the front door. Collins answered and spoke with the officer, admitted the motorcycle was his and that he bought it without a title. The officer arrested Collins and he was later charged with receiving stolen property.

The Virginia trial court denied Collins's motion to suppress after Collins argued that the officer had trespassed on the curtilage of the house to conduct an investigation in violation of the Fourth Amendment. The Court of Appeals of Virginia affirmed, finding that the officer had probable cause to believe the motorcycle was the one he was looking for and that the officer's actions were lawful because exigencies justified his entry onto the property. The Supreme Court of Virginia affirmed but on different grounds from the Court of Appeals, concluding that the automobile exception to the Fourth Amendment applied and therefore the officer had probable cause to believe that the motorcycle was contraband, thereby justifying the warrantless search.

According to the U.S. Supreme Court, the question the case presented was "whether the automobile exception to the Fourth Amendment permits a police officer, uninvited and without a warrant, to enter the curtilage of a home in order to search a vehicle parked therein." The Court answered, "It does not." The Court found that the automobile exception to the warrant requirement extends no further than the automobile itself. That exception does not justify an intrusion into a person's Fourth Amendment interest in his home and its curtilage. Therefore, the search of an automobile on the curtilage of a home was not permissible.

Justice Sotomayor wrote the 8-1 opinion. Justice Thomas concurred in the opinion; Justice Alito dissented.

**Sessions v. Dimaya, 15-1498 (decided Apr. 17, 2018)**

James Dimaya is a lawful permanent resident of the United States with two convictions for first-degree burglary under California law. After his second offense, the United States sought to deport him under the Immigration and Naturalization Act (INA), which provides that an immigrant convicted of an “aggravated felony” is subject to mandatory removal. 8 U.S.C. § 1227(a)(2)(A)(iii). The INA defines an “aggravated felony” to include any “crime of violence,” 8 U.S.C. § 1101(a)(43)(F), which in turn is defined to include “any ... offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.” 18 U.S.C. § 16(b). Although neither of Dimaya’s crimes actually involved violence, the government argued that burglary by its nature involved a “substantial risk” of force and therefore constituted a “crime of violence” that made Dimaya subject to mandatory deportation.

In a 5-4 decision written by Justice Kagan, the Supreme Court held that the “crime of violence” clause is unconstitutionally vague. As the majority held, the statutory language requires courts to assess the risk of violence associated with a crime by hypothesizing an “ordinary case” of the crime. Yet the statute offers no guidance as to either how to assess what an ordinary case is or how likely violence must be in order to qualify as a “substantial risk.” As a result, the statute created “more unpredictability and arbitrariness than the Due Process Clause tolerates.” In reaching this conclusion, the Court relied on *Johnson v. United States*, 576 U.S. -- (2015), in which the Court found that the Armed Career Criminal Act’s similarly worded definition of “violent felony” was so vague as to violate the Due Process Clause.