

The Supreme Court - February 19, 2019

The Supreme Court of the United States issued the following decision this morning:

Moore v. Texas, No. 18-443: Two years ago, the Supreme Court vacated and remanded the Texas Court of Criminal Appeals' decision that petitioner Bobby James Moore did not have an intellectual disability and was thus eligible for the death penalty. The Court's basis for vacating that decision was that, *inter alia*, the state appellate court had overemphasized Moore's perceived adaptive strengths rather than focusing on his adaptive deficits; improperly stressed Moore's improved behavior in a controlled-setting like prison; and relied on the State's *Briseno* factors, which lacked grounding in prevailing medical practice and relied on lay perceptions and stereotypes in assessing intellectual disability. On remand, the Texas appellate court again found that Moore had not demonstrated intellectual disability. The Court today, in a per curiam decision, found that the state appellate court's decision "rests upon analysis too much of which too closely resembles what we previously found improper." The Court further found that when that improper analysis was extricated from the opinion, there was not enough to warrant reaching a different conclusion than the trial court, namely that Moore has shown he is a person with intellectual disability and is thus ineligible for the death penalty.

The Court's decision is available [here](#).

Today, the Supreme Court granted certiorari in the following case:

County of Maui, Hawaii v. Hawaii Wildlife Fund, et al., No. 18-260: Whether the Clean Water Act requires a permit when pollutants originate from a point source but are conveyed to navigable waters by a nonpoint source, such as groundwater.

Related Capabilities

- Appellate
- Environmental