

The Supreme Court - January 20, 2022

by Ian Blodger

Today, the Supreme Court of the United States issued the following decision:

Hemphill v. New York, Nos. 20-637: In this case, Darrell Hemphill successfully challenged his conviction for the murder of a 2-year-old child killed by a stray bullet in 2006, arguing that the State's presentation of the evidence at trial violated his Sixth Amendment right to confront his accuser. During the trial, Hemphill argued that he was not responsible for the murder, presenting evidence that the police had recovered a handgun that may have been responsible for the child's death at the apartment of another person, Nicholas Morris. As Morris was unavailable to testify at trial, the State sought to introduce transcripts from a plea allocution Morris had entered years previously that purported to rebut Hemphill's allegations that Morris was responsible for the murder. The trial court allowed the admission of the transcripts, determining that they were necessary to correct the allegedly misleading impression Hemphill had created. The jury found Hemphill guilty. Hemphill appealed, arguing that the introduction of these plea allocution transcripts was a violation of his Sixth Amendment rights. In an 8-1 opinion authored by Justice Sotomayor, the Court agreed. The Supreme Court rejected the State's contention that admitting the transcript was merely an extension of the State's authority to adopt procedural rules, noting that the State's rule would allow the trial judge to weight the reliability and credibility of testimonial hearsay evidence in violation of the Sixth Amendment. Justice Alito concurred, joined by Justice Kavanaugh, writing separately to address the conditions under which a defendant can be deemed to have validly waived the right to confront adverse witnesses, and noting that there is no suggestion that Hemphill impliedly waived his right to confrontation. Justice Thomas dissented, contending that Hemphill did not raise his Sixth Amendment claim before the New York Court of Appeals, and concluding that the Supreme Court lacked jurisdiction to review the decision.

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