

The Supreme Court - June 22, 2017

The Supreme Court of the United States issued decisions in three cases today:

Maslenjak v. United States, No. 16-309: Petitioner Divna Maslenjak, an ethnic Serb who immigrated to the United States in 2000 and became a naturalized U.S. citizen in 2007, was convicted under 18 U.S.C. §1425(a) for “knowingly procur[ing], contrary to law, the naturalization of any person.” Maslenjak had made up much of her story to immigration officials when seeking refuge in the U.S. She had testified at the time that her husband had evaded service in the Bosnia Serb Army, but it later became known that he had in fact served in a brigade that slaughtered thousands of Bosnian Muslim civilians, which Maslenjak later admitted to knowing. Moreover, when Maslenjak applied for naturalization, she had answered that she had never lied to gain entry to the U.S. That was the predicate for her prosecution under §1425(a) – that in the course of her naturalization proceeding, she violated 18 U.S.C. §1015(a), which prohibits making a false statement under oath in a naturalization proceeding. The District Court instructed the jury that it did not matter if the defendant’s statements were material or influenced the naturalization decision. The jury convicted Maslenjak and the Sixth Circuit affirmed. Today, the Court vacated and remanded, holding that the Government must establish that an illegal act by the defendant played some role in her acquisition of citizenship, and that, when the illegal act is a false statement, that means demonstrating that the defendant lied about facts that would have mattered to an immigration official, because they would have justified denying naturalization or would predictably have led to other facts warranting that result.

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

Turner v. United States, No. 15-1503: The seven petitioners were tried together and convicted in D.C. Superior Court for the kidnapping, armed robbery, and murder of Catherine Fuller. The Government’s theory was that Fuller had been attacked by a group of people, including petitioners. Two members of the group confessed and testified at the trial in return for leniency. The defense each petitioner offered at trial was that he was not

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part of the group that attacked Fuller. During postconviction proceedings, it was discovered that the Government had withheld evidence it possessed at the time of trial. Petitioners argued this was a violation of *Brady v. Maryland*, 373 U.S. 83 (1963), under which the government violates the constitution by withholding evidence favorable to the defense and material to the defendant's guilt or punishment. Petitioners contended that this evidence would have allowed them to challenge the group attack theory and instead raise an alternative theory that a single perpetrator attacked Fuller. The D.C. Superior Court rejected the *Brady* claim, finding the withheld evidence was not material, and the D.C. Court of Appeals affirmed. The Court today affirmed, holding that the withheld evidence was not "material" under *Brady*.

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

Weaver v. Massachusetts, No. 16-240: Petitioner Kentel Myrone Weaver was criminally tried in Massachusetts state court. During two days of the jury selection process, the courtroom was closed to the public. Although courtroom closure, when raised on direct review, is treated as a "structural error" entitling the defendant to automatic reversal without an inquiry into prejudice, the issue was not raised on direct review but later, in the context of an ineffective-assistance-of-counsel claim. The trial court found that Weaver was not entitled to relief, and the Massachusetts Supreme Judicial Court affirmed in relevant part, on the basis that Weaver had not shown prejudice. Today, the Court affirmed, holding that because of the more pronounced finality concerns when a structural error is raised in the context of an ineffective-assistance claim, petitioner must show prejudice in order to obtain a new trial.

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