

The Supreme Court - June 4, 2018

The Supreme Court of the United States issued five decisions today:

Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Comm’n, No. 16-111: In 2012, a same-sex couple filed a complaint with the Colorado Civil Rights Commission of discrimination on the basis of sexual orientation in violation of the Colorado Anti-Discrimination Act, after the owner of Masterpiece Cakeshop said he would not create a wedding cake for them on the basis of his religious opposition to same-sex marriages. The Commission found the bakery’s actions violated the Act and ruled for the couple. The Colorado Court of Appeals affirmed, and the Colorado Supreme Court declined review. Today, the Court reversed, recognizing that the Court’s precedents make clear that the baker, in his capacity as the owner of a business serving the public, might have his right to the free exercise of religion limited by generally applicable laws, but holding that when the Colorado Civil Rights Commission considered this case, it did not do so with the religious neutrality that the Constitution requires, and thus its actions violated the Free Exercise Clause and its order must be set aside.

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

Lamar, Archer & Cofrin, LLP v. Appling, No. 16-1215: Petitioner Lamar, Archer & Cofrin is a law firm that represented respondent R. Scott Appling in a business litigation matter. When Appling fell behind on his legal bills, Lamar agreed not to withdraw based on Appling’s oral representations that he was expecting a tax refund of “approximately \$100,000,” which would be enough to cover outstanding and future legal bills. The tax return Appling received was nearly half that amount, and Appling instead spent it on his business, while telling Lamar they had not yet received the refund. Lamar obtained a judgment for the outstanding amount, and shortly after Appling and his wife filed for Chapter 7 bankruptcy. Lamar brought an adversary proceeding and argued that Appling’s statements about his tax refund were fraudulent, and rendered his debt non-dischargeable under 11 U.S.C. §523(a)(2)(A), which bars discharge of debts arising from “false pretenses, a false representation, or actual fraud, other than a statement

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respecting the debtor's . . . financial condition." Applying, in turn argued that these were "statement[s] . . . respecting [his] financial condition," and thus governed by §523(a)(2) (B), which requires that to be non-dischargeable, such statements must be "in writing." The Bankruptcy Court agreed with Lamar that §523(a)(2)(A) governed, but the Eleventh Circuit reversed holding that §523(a)(2)(B) controlled. The Court today affirmed, holding that the statutory language makes plain that a statement about a single asset can be a "statement respecting the debtor's financial condition," and that, if that statement is not in writing, the associated debt may be discharged, even if the statement was false.

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

Koons v. United States, No. 17-5716: 18 U.S.C. §3582(c)(2) provides that a criminal defendant is eligible for a sentence reduction if he was initially sentenced "based on a sentencing range" that was later lowered by the United States Sentencing Commission. Here, all five petitioners pleaded guilty to methamphetamine conspiracy offenses and were sentenced by the District Court. Years later, the Sentencing Commission reduced the Guidelines' base offense levels for the drug offenses they were convicted under, leading to this action seeking a sentence reduction under §3582(c)(2). But the District Court and Eighth Circuit held their sentences were not "based on" these Guidelines ranges, because for each, while the sentencing court calculated the Guidelines ranges, it had instead relied upon the higher mandatory minimum sentence, and then departed downward from that mandatory minimum based on the petitioners' substantial assistance in the Government's investigation. Today, the Court affirmed, holding that the petitioners' sentences were "based on" their mandatory minimums and on their substantial assistance to the Government, not on sentencing ranges that the Commissioner later lowered, and the petitioners are thus ineligible for §3582(c)(2) sentence reductions.

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

Hughes v. United States, No. 17-155: Like the prior case, petitioner Erik Lindsey Hughes sought relief under 18 U.S.C. §3582(c)(2) after the Sentencing Commission lowered the base offense level for the drug offense for which he was convicted. But Hughes had entered into a "Type-C agreement" – a plea agreement that specified a particular sentence under Federal Rule of Criminal Procedure 11(c)(1)(C). The plea thus stipulated that Hughes would receive a sentence of 180 months. The District Court accepted the agreement and sentenced Hughes to the agreed 180 months in prison, stating at sentencing that it had calculated the Guidelines range as 188 to 235 months, and found the 180 month sentence to be reasonable and "compatible with the advisory" Guidelines. Here, the District court denied Hughes' motion for a reduced sentence under §3582(c)(2) and the Eleventh Circuit affirmed. The Court today reversed, holding that because the Guidelines sentencing range was a basis for the sentence, and that range has "subsequently been lowered by the Sentencing Commission," Hughes is eligible for relief under §3582(c)(2).

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

Azar v. Garza, No. 17-654: A minor who was placed in the custody of the Office of Refugee Resettlement (“ORR”) when she unlawfully crossed into the United States, was eight weeks pregnant at the time and requested an abortion. The ORR did not allow her to have an abortion, under its policy that absent emergency medical situations, shelter personnel were prohibited from any action facilitating an abortion without direction and approval from the Director of ORR. The minor’s guardian ad litem, respondent Rochelle Garza, challenged the constitutionality of that policy and obtained a temporary restraining order. A D.C. Circuit panel vacated the TRO the next day, but the en banc D.C. Circuit vacated the panel’s order. While the Government planned to ask the Supreme Court for emergency review of the en banc order, before it did so the minor had the abortion, and the Government instead filed this petition for certiorari. Today, the Court, citing its “established practice” when “a civil case from a court in the federal system . . . has become moot while on its way here,” vacated the en banc order and remanded with instructions to dismiss the relevant individual claim for injunctive relief as moot.

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