

The Supreme Court - March 7, 2017

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

Rippo v. Baker, No. 16-6316: Petitioner Michael Damon Rippo moved to disqualify the Nevada state judge who presided over his criminal trial (in which the jury convicted Rippo of murder and sentenced him to death), when Rippo learned during trial that his judge was the target of a federal bribery probe. The basis for Rippo's disqualification motion under the Fourteenth Amendment's Due Process Clause was his argument that the local county District Attorney's Office that was prosecuting Rippo was also involved in the investigation of the judge, and that a judge could not impartially prosecute a case in which one of the parties was criminally investigating him. The judge did not recuse himself, but after he was indicted on federal charges, a different judge denied Rippo's motion for new trial. The Nevada Supreme Court affirmed on direct appeal. Rippo's later applications for state postconviction relief were also denied by the state court and affirmed by the Nevada Supreme Court, which held the evidence presented did not support the assertion that the trial judge was actually biased in this case. The Court today vacated and remanded, reaffirming that the Due Process Clause may sometimes demand recusal even when a judge has no actual bias, and that instead recusal is required when, objectively speaking, the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.

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

Beckles v. United States, No. 15-8544: When petitioner Travis Beckles was convicted in 2007 for possession of a firearm by a convicted felon, the District Court found that he was eligible for an enhancement as a "career offender" under the advisory Sentencing Guidelines. The career offender enhancement was triggered by convictions for "a crime of violence." At the time of Beckles' sentencing, the residual clause's definition of "crime of violence" was identical to the residual clause in the Armed Career Criminal Act of 1984, 18 U.S.C. §924(e)(2)(B), that the Court held was unconstitutionally vague in *Johnson v. United States*, 576 U.S. ___ (2015). Beckles' postconviction relief before the

Related Capabilities

- Appellate

District Court and Eleventh Circuit had been unsuccessful until the Court vacated and remanded Beckles' case to the Eleventh Circuit in light of *Johnson*. On remand, the Eleventh Circuit affirmed the denial, distinguishing the two clauses. Today, the Court affirmed, holding that the advisory Guidelines are not subject to vagueness challenges under the Due Process Clause.

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

Peña-Rodriguez v. Colorado, No. 15-606: A Colorado jury convicted petitioner Miguel Angel Peña-Rodriguez of unlawful sexual contact and harassment. After the jury was discharged, two jurors spoke with Peña-Rodriguez's attorney, and stated that during jury deliberations, another juror had expressed anti-Hispanic bias towards Peña-Rodriguez and his alibi witness. This was then reported to the court, and the two jurors provided sworn affidavits. The trial court acknowledged the third juror's bias, but denied the motion for a new trial, holding that Colorado Rule of Evidence 606(b) – the counterpart to the federal no-impeachment rule for juries – prohibited the testimony. The Colorado Court of Appeals and Colorado Supreme Court both affirmed. The Court today reversed, holding that where a juror makes a clear statement that indicates he or she relied on racial stereotypes or animus to convict a criminal defendant, the Sixth Amendment requires that the no-impeachment rule give way in order to permit the trial court to consider the evidence of the juror's statement and any resulting denial of the jury trial guarantee.

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