

The Supreme Court Update - January 21, 2025

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued one decision today:

Andrew v. White, No. 23-6573: In this case, the Court addressed whether the State violated petitioner Brenda Andrew's due process rights when, during her trial for murder, it introduced irrelevant evidence about her sex life and about her failings as a mother and wife. Following her conviction, Andrew brought a federal habeas petition, arguing the introduction of this evidence was so prejudicial that it violated her due process rights. The Tenth Circuit Court of Appeals denied the petition, concluding that the Supreme Court had not held that the erroneous admission of prejudicial evidence could violate due process. In a per curiam decision, the Court granted the petition for certiorari and summarily vacated the decision of the Tenth Circuit, holding that clearly established law provided that the Due Process Clause forbids the introduction of evidence so unduly prejudicial as to render a criminal trial fundamentally unfair. Justice Alito concurred. Justice Thomas dissented, joined by Justice Gorsuch, arguing that the Tenth Circuit's interpretation of the Court's precedent was reasonable and that summary vacatur was inappropriate.

View the Court's [decision](#).

On January 17, 2025, the Court granted certiorari in five cases:

A.J.T. v. Osseo Area Schools, Independent School District No. 279, No. 24-249:

This case concerns a circuit split on the appropriate standard of review for courts considering discrimination claims based on educational services brought by children with disabilities. The question presented is: Whether the Americans with Disabilities Act of 1990 and Rehabilitation Act of 1973 require children with disabilities to satisfy a uniquely stringent "bad faith or gross misjudgment" standard when seeking relief for discrimination relating to their education.

Related People

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Related Capabilities

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Mahmoud v. Taylor, No. 24-297: This case addresses a First Amendment free-exercise of religion challenge to a school curriculum requiring elementary school teachers to read students books featuring lesbian, gay, bisexual, transgender, and queer characters. The question presented is: Do public schools burden parents' religious exercise when they compel elementary school children to participate in instruction on gender and sexuality against their parents' religious convictions and without notice or opportunity to opt out.

Parrish v. United States, No. 24-275: This case addresses a procedural ambiguity related to federal court appeals. The question presented is: Whether a litigant who files a notice of appeal after the ordinary appeal period under 28 U.S.C. § 2107(a)-(b) expires must file a second, duplicative notice after the appeal period is reopened under subsection (c) of the statute and Federal Rule of Appellate Procedure 4.

Bowe v. United States, No. 24-5438: This case involves second or successive motions to vacate a conviction or sentence brought by federal prisoners under 28 U.S.C. § 2255, part of the Antiterrorism and Effective Death Penalty Act of 1996. The questions presented are: (1) Whether 28 U.S.C. § 2244(b)(1) applies to a claim presented in a second or successive motion to vacate under 28 U.S.C. § 2255; and (2) Whether 28 U.S.C. § 2244(b)(3)(E) deprives the Supreme Court of certiorari jurisdiction over the grant or denial of an authorization by a court of appeals to file a second or successive motion to vacate under 28 U.S.C. § 2255.

Soto v. United States, No. 24-320: This case concerns the procedure used to calculate Combat Related Special Compensation ("CRSC") available to medically retired combat veterans. At issue is whether courts should apply the six-year limitations period provided by the Barring Act, 31 U.S.C. § 3702, a statute providing default rules for payment demands made upon the federal government, or if they should apply the broader procedures adopted by the CRSC statute, 10 U.S.C. § 1413a. The question presented is: Given the Federal Circuit's holding that a claim for compensation under 10 U.S.C. § 1413a is a claim "involving . . . retired pay" under 31 U.S.C. § 3702(a)(1)(A), does 10 U.S.C. § 1413a provide a settlement mechanism that displaces the default procedures and limitations set forth in the Barring Act?