

UNITED STATES SUPREME COURT UPDATES

Judge Jerry Edwards
Western District of Louisiana

Judge Brady O'Callaghan
First Judicial District, Shreveport

Recent United States Supreme Court Cases



Sheetz v. County of El Dorado

- Sheetz wanted residential building permit in California
- County required a \$23,420 “traffic impact fee” for permit without individualized determination of impact
- Sheetz contested as violation of Takings Clause
- Court of Appeals rejected on grounds that it was Board policy, not an individualized assessment that was violative

Sheetz v. County of El Dorado

- Barrett for unanimous Court with many concurrences
- Held: for Takings Clause analysis it does not matter if restrictions are imposed administratively or legislatively
- Restrictions or conditions must be reasonably necessary to the effectuation of a substantial government purpose

Culley v Marshall, 601 U.S. ____ (2024)

- 2 petitioners, Culley and Sutton, loaned their cars to people who were later arrested with drugs in the cars
- Cars were designated for forfeiture
- Petitioners filed class action
- Cars were being retained pending a hearing on forfeiture

Culley v Marshall, 601 U.S. ____ (2024)

- Gorsuch for 6-3 majority
- A timely forfeiture hearing is constitutionally required, but a separate preliminary hearing regarding the state retaining the property pre-trial is NOT constitutionally required

Trump v. U.S.

- Federal charges against Trump
 - Conduct during Presidency
 - Related to 2020 election
 - Conspired to overturn by spreading knowingly false claims of fraud
- Asserted Presidential Immunity for acts during presidency within the “outer perimeter” of his job

Trump v. U.S.

- ⦿ Roberts for the Court, joined by Thomas, Alito, Gorsuch, Kavanaugh and Barrett in part
- ⦿ Separation of Powers requires
 - Absolute immunity to “core constitutional powers”
 - Either presumptive or absolute immunity to other official actions (not reach the issue)
 - No immunity for unofficial actions

Trump v. U.S.

- Authority over Executive Branch personnel is absolute
- Drew distinction between compelling the production of evidence (*Nixon*) and criminal prosecution
- Focuses on the broad issues

Trump v. U.S.

- Dissent by Sotomayor with Jackson and Kagan
- “our Constitution does not shield a former President from answering for criminal and treasonous acts”
- Quotes *Dobbs* back at majority
- Points out that Impeachment Clause contemplates possibility of criminal liability
- Cites Hamilton, Justice Story, *Bruen*

City of Grants Pass v. Johnson

- Grants Pass town of 38K in Oregon, roughly 600 people homeless at a given time
- Municipal Code restricts camping on public property, parking overnight in city's parks
- Ninth Circuit held that 8th Amendment bars enforcement of public camping laws when number of homeless exceeds number of practically available shelter beds

City of Grants Pass v. Johnson

- Gorsuch for Court, Thomas concurring
- Majority of cities have laws restricting camping in public places, 40% prohibit camping citywide
- Discusses impact of ruling in numerous Western cities within 9th circuit
- Plaintiffs brought class action
 - Usually sleep in their car
 - Shelter beds were not “available” because no smoking allowed, required church attendance

City of Grants Pass v. Johnson

- Cruel and Unusual Punishment Clause directed at the method or kind of punishment a government may impose for the violation of criminal statutes
- NOT focused on the question whether government may criminalize particular behavior or how it may go about securing a conviction
- Penalties under the statute are fine, possible ban from camping

City of Grants Pass v. Johnson

- Discussion of *Robinson v. California*, 370 U.S. 660 (1962)
 - Based on 8th Amendment, Court struck down California law making it illegal to be addicted to narcotics
 - Because it punished STATUS, was cruel and unusual
- Questionable case—could have been decided on other grounds
- Camping laws restrict actions, not status
- Pointed out stringent requirements district courts imposed on “available” shelters (indoors, have medical care onsite, etc.)

City of Grants Pass v. Johnson

- Sotomayor dissent with Kagan and Jackson
- Focuses on *Robinson*, argument that homelessness is a status, punishing it is cruel and unusual
- Lengthy discussion of scope and nature of homelessness problem
- Discusses “cascade of harm” from laws like these, their purpose in targeting the homeless

SEC v. Jarksey

- SEC has two avenues of proceeding in enforcement actions for fraud—federal district court or SEC in house administrative proceeding
- Dodd-Frank in 2010 provided for civil penalties to be awarded in actions brought before administrative judge
- Roberts for plurality, Sotomayor, Kagan, and Jackson dissenting

SEC v. Jarksey

- Imposition of civil penalties without right to jury trial violates the 7th Amendment
- Dissent argues that this upsets well-settled jurisprudence going back to 1977 *Atlas Roofing Co.* case
- “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...”

Garland v Cargill

- The Bumpstock Case
- ATF rule (under Trump) found that Bump-Stocks were machine guns
- HELD: ATF exceeded statutory authority by issuing ruling
- Thomas for Court, Sotomayor, Kagan, and Jackson dissent

Bondi v. Vanderstok, 3/26/25

- ATF rules regarding weapons parts kits
 - “Ghost guns”
 - 80% lowers or frames
- Question whether kits can be regulated under the Gun Control Act of 1968 as “weapons”
- Held—Not facially invalid
- “Weapons” can include unfinished objects when their intention is clear
- Gorsuch for the Court with Thomas and Alito dissenting

Delligatti v. United States,

3/21/2025

- Prosecution under 18 USC 924(c) –using or carrying a firearm during a “crime of violence”
- “Crime of violence” must involve “use, attempted use...of physical force”
- Prosecution was for VICAR, Violent Crimes in Aid of Racketeering
- Predicate for that statute was attempted second degree murder under New York law

Delligatti v. United States, 3/21/2025

- Defendant argued that because New York definition of murder includes omissions, did not meet the definition of crime of violence because it could be committed by omission
- Held—knowing or intentional causation of injury or death requires “use” of “physical force” even if by omission
- Thomas for court, Gorsuch and Jackson dissented

Delligatti v. United States, 3/21/2025

- ⦿ Compare and contrast with Louisiana law on Second Degree murder and Cruelty to a juvenile
 - *State v. Small*, 100 So.3d 797 (La. 10/16/12)—conviction for second degree murder reversed when predicate was leaving child unsupervised who died in a fire he started

Thompson v. United States,

3/21/2025

- FDIC is going after Thompson to repay \$269K of loans
- During a phone call he disputed the total and said “I borrowed \$110K”
- Charged with “knowingly making any false statement” to influence the FDIC
- Held: Misleading does not equal false
- He had borrowed \$110K and then borrowed more so statement was technically “true”

Smith v. Arizona

- 6th Amendment case for absent analysts on crime lab matters and Confrontation Clause rights
- Held: if an expert conveys an absent witness's statements and those statements must be true to support the expert's conclusion, they are hearsay
- Kagan for the Court, complex web of concurrences

Glossip v. Oklahoma, 604 U.S.

___ 2/25/25

- Glossip convicted of hiring Sneed to kill Barry Van Treese
- Sneed implicated Glossip at trial
- Glossip admitted to concealing the crime but denied paying Sneed to do it
- 20 years after conviction, prosecution discloses eight boxes of previously withheld documents

Glossip v. Oklahoma, 604 U.S.

___ 2/25/25

- Sneed was bipolar, had seen jail psychiatrist who prescribed him lithium
- Sneed testified at trial he had never seen a psychiatrist, State did not correct false testimony
- Oklahoma AG confesses error, requested new trial for Glossip
- Oklahoma Court of Criminal Appeals denies relief as “not based in law and fact”

Glossip v. Oklahoma, 604 U.S.

___ 2/25/25

- Failure to correct testimony with knowledge it was false violates *Napue v. Illinois*, 360 U.S. 264
- This violation gives rise to federal constitutional question granting jurisdiction to USSC, reversed and remanded for new trial

Glossip v. Oklahoma, 604 U.S.

___ 2/25/25

- ⦿ Justice Thomas dissent points out other evidence, procedural issues
- ⦿ Justice Barrett dissented in part—would remand for hearing on whether prosecutor knew testimony was false, but not new trial

Fuld vs. PLO

- 2019 law “Promoting Security and Justice for Victims of Terrorism Act” (PSJVTA) of the Anti-Terrorism Act (ATA)
- Confers personal jurisdiction over PLO and Palestinian Authority—is this consistent with Due Process?
- 2 Grounds under statute:
 - Paying people in Israeli prison for having committed acts of terror
 - Operating offices on U.S. Soil

Fuld vs. PLO

- Court rejected using “minimum contracts” standard from Fourteenth Amendment jurisdiction analysis—Federal is a sovereign with broader authority
- Deference on foreign policy to Congress and President on delicate judgments
- Fifth Amendment fairness not offended by jurisdiction

Mahmoud v. Taylor, 145 S.Ct. 2332 (2025)

Petitioners are entitled to a preliminary injunction prohibiting the School Board from requiring students to read, listen or discuss LGBTQ+ inclusive texts.

Tik Tok v. Garland, 145 S.Ct. 57 (2025)

Petitioners brought a First Amendment challenge to the Protecting Americans from Foreign Adversary Controlled Applications Act.

The Court concluded that the Act, as applied to Petitioners, did not violate the First Amendment.

Trump v Casa, 145 S.Ct. 2540 (2025)

Finding that universal (nationwide) injunctions likely exceed the authority granted federal courts by Congress, the Court stayed the injunctions affecting the Executive Order ending birthright citizenship - but only to the extent the injunctions were broader than necessary to provide complete relief to the parties.

FCC v . Consumer's Research, 145 S.Ct. 2482 (2025)

The contribution mechanism to the Universal Service Fund, did not violate the non-delegation doctrine because:

1. Congress guided and constrained the FCC's discretion under the program; and
2. The FCC retained decision making authority and the private company that managed the fund only gave non-binding advice.

Free Speech Coalition v. Paxton, 145 S.Ct. 2291 (2025)

Texas law requiring age verification to access commercial websites that publish sexually explicit material does not unconstitutionally burden the rights protected by the Free Speech Clause of the First Amendment.