DOWNLOAD PDF THE U.S. SUPREME COURT IS GUILTY!

Chapter 1 : Backing from senators puts Kavanaugh on track for U.S. Supreme Court | Reuters

May 14, Â· Supreme Court orders new trial for accused murderer who disputed his lawyer's guilty plea. The Supreme Court ruled that criminal defendants can refuse guilty pleas, even if their lawyers believe.

Danforth was to be instrumental in championing Thomas for the Supreme Court. In , he joined the Reagan administration. As Chairman, he promoted a doctrine of self-reliance, and halted the usual EEOC approach of filing class-action discrimination lawsuits, instead pursuing acts of individual discrimination. He developed warm relationships during his 19 months on the federal court, including with fellow federal judge Ruth Bader Ginsburg. Ultimately, after consulting with his advisors, Bush decided to hold off on nominating Thomas, and nominated Judge David Souter of the First Circuit instead. Marshall had been the only African-American justice on the court. Both liberal interest groups and Republicans in the White House and Senate approached the nomination as a political campaign. She testified that Thomas had subjected her to comments of a sexual nature, which she felt constituted sexual harassment or at least "behavior that is unbefitting an individual who will be a member of the Court. This is a circus. You will be lynched, destroyed, caricatured by a committee of the U. Senate rather than hung from a tree. However, she said she did not feel his behavior was intimidating nor did she feel sexually harassed, though she allowed that "[s]ome other women might have". Nancy Altman, who shared an office with Thomas at the Department of Education, testified that she heard virtually everything Thomas said over the course of two years, and never heard any sexist or offensive comment. Altman did not find it credible that Thomas could have engaged in the conduct alleged by Hill without any of the dozens of women he worked with noticing it. Simpson questioned why Hill met, dined with, and spoke by phone with Thomas on various occasions after they no longer worked together. Thomas was confirmed by a 52â€”48 vote on October 15, , the narrowest margin for approval in more than a century. He said in There are a number of explanations for this phenomenon. The first is grounded in race and ethnicity. The fact that Justice Thomas is black has undoubtedly played a similar role in how he has been assessed, no matter how much we may hate to admit it. Stare decisis in the U. Fantasy , U. Lopez and United States v. Morrison , the court held that Congress lacked power under the Commerce Clause to regulate non-commercial activities. In these cases, Thomas wrote a separate concurring opinion arguing for the original meaning of the Commerce Clause. Subsequently, in Gonzales v. Raich , the court interpreted the Interstate Commerce Clause combined with the Necessary and Proper Clause to empower the federal government to arrest, prosecute , and imprison patients who used marijuana grown at home for medicinal purposes, even where the activity is legal in that particular state. Thomas dissented in Raich, again arguing for the original meaning of the Commerce Clause. That doctrine bars state commercial regulation even if Congress has not yet acted on the matter. Proponents of broad national power such as Professor Michael Dorf deny that they are trying to update the constitution. Instead, they argue that they are merely addressing a set of economic facts that did not exist when the constitution was framed. Thomas granted the federal government the "strongest presumptions" and said "due process requires nothing more than a good-faith executive determination" to justify the imprisonment of Hamdi, a U. Rumsfeld , which held that the military commissions set up by the Bush administration to try detainees at Guantanamo Bay required explicit congressional authorization, and held that the commissions conflicted with both the Uniform Code of Military Justice UCMJ and "at least" Common Article Three of the Geneva Convention. Louisiana , Thomas dissented from the majority opinion that required the removal from a mental institution of a prisoner who had become sane. Thornton , he authored the dissent defending term limits on federal house and senate candidates as a valid exercise of state legislative power. Justice Thomas voted to overturn federal laws in 34 cases and Justice Scalia in 31, compared with just 15 for Justice Stephen Breyer. Holder case, Thomas was the sole dissenter, voting in favor of throwing out Section Five of the Voting Rights Act. Section Five requires states with a history of racial voter discriminationâ€”mostly states from the old Southâ€”to get Justice Department clearance when revising election procedures. Although Congress had reauthorized Section Five in for another 25 years, Thomas said the law was no longer necessary, pointing out that the rate of black voting in seven Section Five states was higher than the national average.

Thomas said "the violence, intimidation and subterfuge that led Congress to pass Section 5 and this court to uphold it no longer remains. Holder , voting with the majority and concurring with the reasoning which struck down Section Five. For example, he dissented in Virginia v. Black , a case that struck down part of a Virginia statute that banned cross burning. Concurring in Morse v. Frederick , he argued that the free speech rights of students in public schools are limited. The government was enjoined from enforcing it, pending further proceedings in the lower courts. Ohio Elections Commission , U. Playboy Entertainment Group Newdow , Thomas wrote: Wilkinson , Thomas wrote: The four justices in the plurality opinion specifically rejected incorporation under the privileges or immunities clause, "declin[ing] to disturb" the holding in the Slaughter-House Cases , which, according to the plurality, had held that the clause applied only to federal matters. He would have voted to grant certiorari in Friedman v. City of Highland Park , which upheld bans on certain semi-automatic rifles, Jackson v. San Francisco , which upheld trigger lock ordnances similar to those struck down in Heller, Peruta v. San Diego County , which upheld restrictive concealed carry licensing in California, and Silvester v. Becerra , which upheld waiting periods for firearm purchasers who have already passed background checks and already own firearms. For example, his opinion for the court in Board of Education v. Earls upheld drug testing for students involved in extracurricular activities, and he wrote again for the court in Samson v. California , permitting random searches on parolees. He dissented in the case Georgia v. In cases involving schools, Thomas has advocated greater respect for the doctrine of in loco parentis , which he defines as "parents delegat[ing] to teachers their authority to discipline and maintain order. Redding illustrates his application of this postulate in the Fourth Amendment context. School officials in the Safford case had a reasonable suspicion that year-old Savana Redding was illegally distributing prescription-only drugs. All the justices concurred that it was therefore reasonable for the school officials to search Redding, and the main issue before the court was only whether the search went too far by becoming a strip search or the like. In contrast, Thomas said, "It is a mistake for judges to assume the responsibility for deciding which school rules are important enough to allow for invasive searches and which rules are not" [] and that "reasonable suspicion that Redding was in possession of drugs in violation of these policies, therefore, justified a search extending to any area where small pills could be concealed. United States , the defendant had technically been a fugitive from the time he was indicted in until his arrest in Our Constitution neither contemplates nor tolerates such a role. Virginia and Roper v. Simmons , which held that the Eighth Amendment to the United States Constitution prohibits the application of the death penalty to certain classes of persons. Marsh , his opinion for the court indicated a belief that the constitution affords states broad procedural latitude in imposing the death penalty, provided they remain within the limits of Furman v. Georgia and Gregg v. Georgia , the case in which the court had reversed its ban on death sentences if states followed procedural guidelines. McMillian , a prisoner had been beaten, garnering a cracked lip, broken dental plate, loosened teeth, cuts, and bruises. Although these were not "serious injuries", the court believed, it held that "the use of excessive physical force against a prisoner may constitute cruel and unusual punishment even though the inmate does not suffer serious injury. In concluding to the contrary, the Court today goes far beyond our precedents. Harlan II a generation earlier, but editorial criticism rained down on him". Well, one must either be illiterate or fraught with malice to reach that conclusion Under a federal statute, 18 U. Thomas noted that the case required a distinction to be made between civil forfeiture and a fine exacted with the intention of punishing the respondent. He found that the forfeiture in this case was clearly intended as a punishment at least in part, was "grossly disproportional", and was a violation of the Excessive Fines Clause. In Adarand Constructors v. Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law. That [affirmative action] programs may have been motivated, in part, by good intentions cannot provide refuge from the principle that under our Constitution, the government may not make distinctions on the basis of race.

Chapter 2 : Clarence Thomas - Wikipedia

An Alford plea (also called a Kennedy plea in West Virginia, an Alford guilty plea and the Alford doctrine), in United States law, is a guilty plea in criminal court, whereby a defendant in a criminal case does not admit to the criminal act and asserts innocence.

Main content Appeals The losing party in a decision by a trial court in the federal courts normally is entitled to appeal the decision to a federal court of appeals. The Process Although some cases are decided based on written briefs alone, many cases are selected for an "oral argument" before the court. Oral argument in the court of appeals is a structured discussion between the appellate lawyers and the panel of judges focusing on the legal principles in dispute. Each side is given a short time â€” usually about 15 minutes â€” to present arguments to the court. Most appeals are final. The court of appeals decision usually will be the final word in the case, unless it sends the case back to the trial court for additional proceedings, or the parties ask the U. Supreme Court to review the case. In some cases the decision may be reviewed en banc, that is, by a larger group of judges usually all of the court of appeals for the circuit. A litigant who loses in a federal court of appeals, or in the highest court of a state, may file a petition for a "writ of certiorari," which is a document asking the Supreme Court to review the case. The Supreme Court, however, does not have to grant review. The Court typically will agree to hear a case only when it involves an unusually important legal principle, or when two or more federal appellate courts have interpreted a law differently. There are also a small number of special circumstances in which the Supreme Court is required by law to hear an appeal. Different types of cases are handled differently during an appeal. Civil Case Either side may appeal the verdict. Criminal Case The defendant may appeal a guilty verdict, but the government may not appeal if a defendant is found not guilty. Either side in a criminal case may appeal with respect to the sentence that is imposed after a guilty verdict. Bankruptcy Case An appeal of a ruling by a bankruptcy judge may be taken to the district court. Several courts of appeals, however, have established a bankruptcy appellate panel consisting of three bankruptcy judges to hear appeals directly from the bankruptcy courts. In either situation, the party that loses in the initial bankruptcy appeal may then appeal to the court of appeals. Appeals are decided by panels of three judges working together. The appellant presents legal arguments to the panel, in writing, in a document called a "brief. On the other hand, the party defending against the appeal, known as the "appellee," tries in its brief to show why the trial court decision was correct, or why any error made by the trial court was not significant enough to affect the outcome of the case. Other Types of Appeals A litigant who is not satisfied with a decision made by a federal administrative agency usually may file a petition for review of the agency decision by a court of appeals. Judicial review in cases involving certain federal agencies or programs â€” for example, disputes over Social Security benefits â€” may be obtained first in a district court rather than a court of appeals.

Chapter 3 : Home - Supreme Court of the United States

The Supreme Court Building is closed on weekends and federal holidays. The building is open to the public Monday - Friday, from 9 a.m. to p.m.; Courtroom Lectures available within the next 30 days.

The jury could not decide on the one remaining count. Loughry was stoic as the verdict was read and walked out of the federal courthouse in Charleston shortly after that without making any comment. Reporters asked if he will now resign from the state Supreme Court, but Loughry said nothing. Sentencing for Loughry was scheduled for Jan. He has 14 days to decide whether to file a motion for a new trial. Federal prosecutors asked that Loughry be placed on home confinement with an electronic monitor, but the judge declined taking that step. Loughry guilty on 11 counts, not guilty on 10 https: Attorney Mike Stuart and his team addressed reporters from the courthouse steps. Stuart praised jurors for carefully considering the facts of the case. He also said the outcome sends a strong message about public corruption. Loughry was found guilty on Count 3, a mail fraud charge on accepting reimbursement for travel to Pound Civil Justice Institute when he actually drove a state vehicle there. But he was found not guilty on Count 1, a wire fraud count accusing him of defrauding American University for mileage reimbursement when he actually drove a state vehicle there and Count 2, a mail fraud charge on the American University trip. Similarly, the jury went back on forth on 14 wire charges that Loughry used a state vehicle and state-issued purchasing card for personal gain. The indictment listed those counts as 4 through He was found guilty on counts 5, 6, 10, 11, 12, 15 and He was found not guilty on counts 4, 7, 9, 13, 14, 16 and He was found guilty of Count 20, which was a witness tampering allegation that Loughry tried to plant a false story with Supreme Court employee Kimberly Ellis about keeping down the cost of his office renovation. Ellis testified that she felt intimidated and had recorded the meeting. Loughry was found guilty of Count 23, which was a false statement to a federal investigator about using a Supreme Court vehicle. That clip was also played for jurors. A full day of jury selection was required last Tuesday to find 12 jurors plus two alternates who expressed an open mind, despite a year of media attention on Loughry. Over the course of the trial, prosecutors maintained Loughry is corrupt. Others, like Ellis, court spokeswoman Jennifer Bundy, former Supreme Court Justice Brent Benjamin and three court security personnel described not only the ins and outs of how the court functions, but also their interactions with Loughry. A jury of 10 women and two men deliberated the 22 federal counts against Loughry. The jurors were to consider each of the counts individually and were instructed to decide unanimously whether Loughry is guilty or not guilty on each. Copenhaver sent the jury home for the evening about 5 p. The jurors then reconvened at 9: Thursday but they were released again at 5 p. The jurors returned again at 9: After calling in lawyers from both sides to discuss a response to the jury, Copenhaver sent back a note just to say yes, that only the one count would be affected but asking the jurors to try to reach a resolution. The jury continued to deliberate then until about 3: Friday when Copenhaver called in Loughry, his lawyer and prosecutors to say a verdict had been reached on all counts but one. Loughry, in those television reports, initially blamed fired Supreme Court administrator Steve Canterbury. Loughry went to federal investigators with his concerns, prompting them to dig into Supreme Court finances.

Chapter 4 : U.S. News | Latest National News, Videos & Photos - ABC News - ABC News

Almost a year after West Virginians learned that state Supreme Court Justice Allen Loughry had a $32, couch in his court office and a piece of historic state furniture in his home, a jury.

Alford left the house, and afterwards the victim received a fatal gunshot wound when he opened the door responding to a knock. Had he pleaded guilty to first-degree murder, Alford would have had the possibility of a life sentence and would have avoided the death penalty, but he did not want to admit guilt. Nonetheless, Alford pleaded guilty to second-degree murder and said he was doing so to avoid a death sentence, were he to be convicted of first-degree murder, after attempting to contest that charge. Alford appealed and requested a new trial, arguing he was forced into a guilty plea because he was afraid of receiving a death sentence. The Supreme Court of North Carolina ruled that the defendant had voluntarily entered the guilty plea with knowledge of what that meant. Supreme Court Justice Byron White wrote the majority decision, [22] which held that for the plea to be accepted, the defendant must have been advised by a competent lawyer who was able to inform the individual that his best decision in the case would be to enter a guilty plea. The Court went on to note that even if the defendant could have shown that he would not have entered a guilty plea "but for" the rationale of receiving a lesser sentence, the plea itself would not have been ruled invalid. The plea is commonly used in local and state courts in the United States. In federal courts, such plea may be accepted as long as there is evidence that the defendant is actually guilty. Some sources state that the Alford guilty plea is a form of nolo contendere , where the defendant in the case states "no contest" to the factual matter of the case as given in the charges outlined by the prosecution. This difference reflects the relative readiness of State courts, compared to Federal courts, to accept an alternative plea. Howry before the Idaho Court of Appeals , the Court commented on the impact of the Alford guilty plea on later sentencing. Gaines, the Court held that Alford guilty pleas were to be held valid in the absence of a specific on-the-record ruling that the pleas were voluntary â€" provided that the sentencing judge acted appropriately in accordance with the rules for acceptance of a plea made voluntarily by the defendant. Burton, Judge Carl E. Stewart writing for the Court held that an Alford guilty plea is a "variation of an ordinary guilty plea". A plea of guilty that may be accepted by a court even where the defendant does not admit guilt. Court has discretion as to whether to accept this type of plea. Attorneys are required to obtain the approval of the Assistant Attorney General with supervisory responsibility over the subject matter before accepting such a plea. Caplan comments on the Supreme Court decision, noting, "The Alford decision recognizes the plea-bargaining system, acknowledging that a man may maintain his innocence but still plead guilty in order to minimize his potential loss. Walburn argues in a article in The Air Force Law Review that this form of guilty plea should be adopted for usage by the United States military. The system should not force him to lie under oath, nor to go to trial with no promise of the ultimate outcome concerning guilt or punishment. We must trust the accused to make such an important decision for himself. The military provides an accused facing court-martial with a qualified defense attorney. Together, they are in the best position to properly weigh the impact his decision, and the resulting conviction, will have upon himself and his family," writes Walburn. Easterbrook and a majority of scholars "praise these pleas as efficient, constitutional means of resolving cases". As long as we have plea bargaining, he maintains, innocent defendants should be free to use these pleas to enter advantageous plea bargains without lying. And guilty defendants who are in denial should be empowered to use these pleas instead of being forced to stand trial. They undermine the procedural values of accuracy and public confidence in accuracy and fairness, by convicting innocent defendants and creating the perception that innocent defendants are being pressured into pleading guilty. More basically, they allow guilty defendants to avoid accepting responsibility for their wrongs. One of the things the court has to do is figure out how to answer new questions, and that is what happened in this case.

Chapter 5 : Appeals | United States Courts

Lawyers have to listen to their clients, especially when it comes to pleading guilty. That's basically what the U.S. Supreme Court said in State of Louisiana v. McCoy. In that triple-murder case, Robert McCoy told his lawyer he didn't do it. His attorney chose a different strategy, however, and.

Allegations of criminal behavior should be brought to the local police, the FBI, or another appropriate law enforcement agency. At the beginning of a federal criminal case, the principal actors are the U. Attorney the prosecutor and the grand jury. Attorney represents the United States in most court proceedings, including all criminal prosecutions. The grand jury reviews evidence presented by the U. Attorney and decides whether it is sufficient to require a defendant to stand trial. Burden of Proof In a criminal trial, the burden of proof is on the government. Defendants do not have to prove their innocence. The standard of proof in a criminal trial gives the prosecutor a much greater burden than the plaintiff in a civil trial. Pretrial At an initial appearance, a judge who has reviewed arrest and post-arrest investigation reports, advises the defendant of the charges filed, considers whether the defendant should be held in jail until trial, and determines whether there is probable cause to believe that an offense has been committed and that the defendant has committed it. Defendants who are unable to afford counsel are advised of their right to a court-appointed attorney. Defendants released into the community before trial may be subject to electronic monitoring or drug testing, and required to make periodic reports to a pretrial services officer to ensure appearance at trial. The defendant enters a plea to the charges brought by the U. Attorney at a court hearing known as arraignment. More than 90 percent of defendants plead guilty rather than go to trial. If the defendant pleads not guilty, the judge will schedule a trial. Trial Criminal cases include limited pretrial discovery proceedings, similar to those in civil cases, but with restrictions to protect the identity of government informants and to prevent intimidation of witnesses. If a defendant is found not guilty, the defendant is released and the government may not appeal. The person may not be charged again for the same offense in a federal court. During sentencing, the court may consider U. Sentencing Commission guidelines, evidence produced at trial, and also relevant information provided by the pretrial services officer, the U. A sentence may include time in prison, a fine to be paid to the government, and restitution to be paid to crime victims. Supervision of offenders may involve services such as substance abuse testing and treatment programs, job counseling, and alternative detention options, such as home confinement or electronic monitoring.

Chapter 6 : Argument analysis: A class on guilty-plea rules - SCOTUSblog

The defendant enters a plea to the charges brought by the U.S. Attorney at a court hearing known as arraignment. More than 90 percent of defendants plead guilty rather than go to trial. If a defendant pleads guilty in return for the government agreeing to drop certain charges or to recommend a lenient sentence, the agreement often is called a.

Chapter 7 : NPR Choice page

CHARLESTON, calendrierdelascience.com (AP) â€" A retired West Virginia Supreme Court justice is now a convicted felon. Menis Ketchum pleaded guilty Thursday in federal court to a felony count of fraud related to his.

Chapter 8 : Alford plea - Wikipedia

Detroit Timber & Lumber Co., U. S. , SUPREME COURT OF THE UNITED STATES. Syllabus. District Court told the jury that Elonis could be found guilty if.

Chapter 9 : Criminal Cases | United States Courts

DOWNLOAD PDF THE U.S. SUPREME COURT IS GUILTY!

The U.S. Supreme Court will hear arguments on a case in which Robert McCoy said he was innocent of murder but lawyer Larry English told the jury he was guilty.