

May 2021
Summaries of Recent Criminal Decisions
by the United States Supreme Court and Court of
Appeals for the Eleventh Circuit

[*Caniglia v. Strom, et al*, 141 S. Ct. 1596 \(May 17, 2021\)](#) (The Court’s acknowledgement in *Cady v. Dombrowski*, 413 U.S. 433 (1973), of officers’ “community caretaking” function on public highways does not create a standalone doctrine that justifies warrantless searches and seizures in the home.)

[*United States v. Dominguez*, 997 F.3d 1121 \(11th Cir. 2021\)](#) (“Sexual abuse or exploitation,” as used in U.S.S.G. § 2G2.2(b)(5), does not require actual or attempted physical contact, it requires only “an action or pursuit relating to intercourse *or* to the desire for sex or carnal pleasure.”)

[*United States v. Edwards*, 997 F.3d 1115 \(11th Cir. 2021\)](#) (The Court held that (1) the First Step Act is self-executing, so a motion brought under the Act need not be brought under 18 U.S.C. § 3582(c)(1)(B), and (2) a district court has the authority under the First Step Act to impose a new term of supervised release, if it reduces the overall sentence.)

[*United States v. Bryant*, 996 F.3d 1243 \(11th Cir. 2021\)](#) (U.S.S.G. § 1B1.13 is an “applicable policy statement” to compassionate release motions filed by defendants, and thus, courts are bound by the examples of “extraordinary and compelling” reasons warranting release that are listed in the Guidelines. Judge Martin dissented, faulting the majority for striking language from § 1B1.13.)

[United States v. Brown, 996 F.3d 1171 \(11th Cir. 2021\)](#) (The *en banc* Court held that the district court abused its discretion by dismissing a juror who, early in the deliberation process, stated that the Holy Spirit told him the defendant was not guilty, but later assured the court that he was following instructions and basing his decision on the evidence. There was a “substantial possibility” that the juror was basing his decision on the evidence, thus, the juror’s dismissal violated the defendant’s Sixth Amendment right to a unanimous jury. Judge Newsom concurred, noting that the case was not about religion or a religious juror, it was about the context in which the juror’s statement was made and the result would have been the same had the comment touched on a different topic. Judge Brasher concurred, stating that the juror should not have been questioned by the district court because there was no allegation that he was not deliberating or was engaging in misconduct. Judge Wilson dissented, stating that the Court should have deferred to the district court, as the “substantial possibility” standard is a question of fact, which the district court is in the best place to determine. Judge Rosenbaum dissented, stating that the Court’s holding here would likewise preclude a judge from dismissing a juror who stated that the Holy Spirit instructed him that the defendant was guilty.)

[United States v. Riley, 995 F.3d 1272 \(11th Cir. 2021\)](#) (The Court affirmed as reasonable a 70-month sentence, which was 52 months above the Guidelines range, based largely on criminal history and pending charges, noting that “violent offenders are often good candidates for upward variances”).