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Double Victory for Criminal Defendants at the Supreme Court

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The Supreme Court issued two opinions Tuesday morning, both of them striking down lower court opinions that had favored prosecutors. Over at the [Sentencing Law and Policy blog](#), professor Doug Berman is already proclaiming that the decisions offer further proof that the Court is the "most pro-defendant appellate court in the nation on sentencing issues."

In *Chambers v. United States*, with Justice Stephen Breyer writing for a unanimous Court, the justices agreed that a conviction on the charge of "failure to report" to prison is not the kind of prior "violent felony" conviction that triggers a 15-year mandatory prison sentence for someone found guilty of illegal possession of a firearm.

"Conceptually speaking, the crime amounts to a form of inaction, a far cry from the purposeful, violent and aggressive conduct" associated with violent crimes under the Armed Career Criminal Act, Breyer wrote. The Justice Department had argued that "failure to report" should be treated the same way a prison escape would be.

Justice Samuel Alito Jr., joined by Justice Clarence Thomas, wrote a concurrence urging Congress to reduce confusion about the law by amending it with addition of a list of specific crimes that trigger an enhanced sentence.

The other decision, *Jimenez v. Quarterman*, is a Texas case authored by Justice Thomas for a unanimous Court. Thomas ruled that because Texas allows defendants to file untimely appeals of state convictions, the clock for the one-year deadline for filing a federal habeas appeal under the Antiterrorism and Effective Death Penalty Act should not start ticking until after that out-of-time appeal is completed.

This article first appeared on [The BLT: The Blog of Legal Times](#).

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