**October Term 2016**

**October Sitting**

[**Bravo-Fernandez v. U.S.**](http://www.scotusblog.com/case-files/cases/bravo-fernandez-v-united-states/), No. [15-537](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/15-537.htm) [Arg: 10.4.2016 [Trans.](https://www.supremecourt.gov/oral_arguments/argument_transcripts/2016/15-537_ljgm.pdf)/[Aud.](https://www.oyez.org/cases/2016/15-537); Decided [11.29.2016](https://www.supremecourt.gov/opinions/16pdf/15-537_ap6b.pdf)]

Holding: The issue-preclusion component of the **double jeopardy** clause, which bars a second contest of an issue of fact or law raised and necessarily resolved by a prior judgment, does not bar the government from retrying defendants after a jury has returned irreconcilably inconsistent verdicts of conviction and acquittal and the convictions are later vacated for legal error unrelated to the inconsistency.

**Decided Without Argument**

[**Bosse v. Oklahoma**](http://www.scotusblog.com/case-files/cases/bosse-v-oklahoma/), No. [15-9173](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/15-9173.htm) [ Decided [10.11.2016](https://www.supremecourt.gov/opinions/16pdf/15-9173_q86b.pdf)]

In Booth v. Maryland, 482 U. S. 496 (1987), this Court held that “the Eighth Amendment prohibits a capital sentencing jury from considering victim impact evidence” that does not “relate directly to the circumstances of the crime.” Id., at 501–502, 507, n. 10. Four years later, in Payne v. Tennessee, 501 U. S. 808 (1991), the Court granted certiorari to reconsider that ban on “‘victim impact’ evidence relating to the personal characteristics of the victim and the emotional impact of the crimes on the victim’s family.” Id., at 817. The Court held that Booth was wrong to conclude that the Eighth Amendment required such a ban. Payne, 501 U. S. at 827. That holding was expressly “limited to” this particular type of victim impact testimony. Id., at 830, n. 2. “Booth also held that the admission of a victim’s family members’ characterizations and opinions about the crime, the defendant, and the appropriate sentence violates the Eighth Amendment,” but no such evidence was presented in Payne, so the Court had no occasion to reconsider that aspect of the decision. Ibid

The Oklahoma Court of Criminal Appeals remains bound by **Booth’s prohibition on characterizations and opinions from a victim’s family members about the crime, the defendant, and the appropriate sentence unless this Court reconsiders that ban.** The state court erred in concluding otherwise.

[**White v. Pauly**](http://www.scotusblog.com/case-files/cases/white-v-pauly/), No. [16-67](http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/16-67.htm) [ Decided [1.9.2017](https://www.supremecourt.gov/opinions/16pdf/16-67_2c8f.pdf)]

This case addresses the situation of an officer who— having arrived late at an ongoing police action and having witnessed shots being fired by one of several individuals in a house surrounded by other officers—shoots and kills an armed occupant of the house without first giving a warning. One of the claims was that the officers were liable under Rev. Stat. §1979, 42 U. S. C**. §1983, for violating Samuel’s Fourth Amendment right to be free from excessive force**. The **District Court denied qualified immunity**. A divided panel of the Court of Appeals for the Tenth Circuit affirmed. The officers petitioned for certiorari. The petition is now granted, and **the judgment is vacated: Officer White did not violate clearly established law on the record described by the Court of Appeals panel**.