SCOTUS Opinion: Court Closes Retroactivity Loophole For Criminal Procedure Decisions

17 May 2021

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Normally, new rules of criminal procedure do not apply retroactively. However, in *Teague v. Lane*, 489 U.S. 288 (1989), the Court made an exception for watershed rule changes. Since then, however, the Court had never found a rule change that passed muster. In *Edwards v. Vannoy*, Thedrick Edwards was found guilty of certain felonies by non-unanimous juries in state court, and after his regular appeals failed and his conviction was finalized, he filed a habeas corpus petition, arguing that his conviction should be overturned because his jury was not unanimous. While the petition was pending, the Court decided *Ramos v. Louisiana*, 590 U.S. ___ (2020), which held that juries needed to be unanimous after all, overturning prior precedent. Edwards then argued that the rule in *Ramos* was retroactive under *Teague*, as a new watershed rule.

The Court, in a 6-3 decision by Justice Kavanaugh, rejected Edwards argument, and further held that the watershed exception in *Teague* was an empty promise of no further vitality. The majority surveyed all the prior decisions where the Court declined to grant retroactivity, including seminal cases like *Batson v. Kentucky*, 476 U.S. 79 (1986) and *Mapp v. Ohio*, 367 U.S. 643 (1961), and decided that if those rule changes were not sufficiently watershed, then none could be. Justice Thomas, joined by Justice Gorsuch, filed a concurrence arguing that the case could also be resolved under the text of the Antiterrorism and Effective Death Penalty Act of 1996, which also does not permit retroactive application of federal law to overturn state convictions. Justice Gorsuch, joined by Justice Thomas, filed another concurrence explaining the history of habeas corpus writs and how rejecting *Teague* fits in line with the original understanding of how that writ functions. Justice Kagan, joined by Justices Breyer and Sotomayor, dissented, arguing that the decision in Ramos fits to a tee *Teague*'s description of a watershed procedural rule.

A link to the decision is here: https://www.supremecourt.gov/opinions/20pdf/19-5807_086c.pdf

TAGGED: Ramos v. Louisiana, Criminal Procedure, retroactive, Teague v. Lane, watershed, Edwards v. Vannoy