

U.S. v. Hayes
--- U.S. --- (2008)
Decided February 24, 2009

FACTS: In 2004, Marion County (WV) officers responded to Hayes' home on "a 911 call reporting domestic violence." Hayes gave consent for a search of his home, during the call, and found a rifle, and further investigation indicated he owned several other guns. Based upon that evidence, he was charged the following year under 18 U.S.C. §§922(g)(9) and 924(a)(2) with three counts (for apparently three guns) "of possessing firearms after having been convicted of a misdemeanor crime of domestic violence." The charges were based upon a 1994 battery conviction in West Virginia, with the victim Hayes's wife at the time, with whom he also had a child in common.¹

Hayes argued that the 1994 conviction did not qualify as a "predicate offense" under §922, maintaining that it "applies only to persons previously convicted of an offense that has as an element a domestic relationship between aggressor and victim." The statute under which he was convicted was a "generic battery proscription, not a law designating a domestic relationship between offender and victim as an element of the offense."

Hayes argument was rejected, and he then took a conditional guilty plea. He appealed. The Fourth Circuit Court of Appeals reversed his plea, holding that the predicate offense must "have as an element a domestic relationship between the offender and the victim." This created a split in the circuits, as nine circuits had already ruled in the opposite manner. The United States appealed the case, and the U.S. Supreme Court granted certiorari.

ISSUE: Must a federal charge under §922(g)(9) be based upon a state charge that includes, specifically, as part of the statute, that the victim be in a domestic relationship with the perpetrator?

HOLDING: No

DISCUSSION: The Court engaged in a lengthy statutory and linguistic construction debate on §922(g)(9), and all agreed that the definition "imposes two requirements." First, the crime but include "as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon." Second, it must be committed by a "person who has a specified domestic relationship with the victim." It found the question to be does the charge requires that the relationship be a "discrete element" of the offense. The Court ruled that "in a §922(g)(9) prosecution, it suffices for the Government to charge and prove a prior conviction that was, in fact, for "an offense ... committed by" the defendant against a spouse or other domestic victim."

The decision of the Fourth Circuit Court of Appeals was reversed, and the case remanded for further proceedings consistent with the opinion.

¹ The case suggested that the law at the time required more than just that they were married, it also appeared to require that they have a child in common and be cohabiting with him as a spouse.