

ACCA

Mathis v. U.S., --- U.S. --- (2016)

Decided June 23, 2016

FACTS: Mathis pled guilty in Iowa for being a felon in possession of a firearm.¹ At sentencing, the prosecution asked that his sentence be enhanced under the Armed Career Criminal Act,² which carries an additional 15-year penalty, because Mathis had five prior state burglary convictions. Iowa's burglary statute "covers more than generic burglary does," by reaching in broader areas, including vehicles. The Iowa statute does not consider the various locations to be "alternative elements, going toward the creation of separate crimes," but "to the contrary, they lay out alternatives ways of satisfying a single locational element."³ After looking at the specific records on his prior convictions, which indicated that Mathis had burgled structures, rather than vehicles, the District Court imposed the additional sentence.

The Eighth Circuit affirmed, which set up a conflict in the federal circuits as to how such an issue would be resolved. Mathis sought certiorari and the U.S. Supreme Court granted review.

ISSUE: Does the application of the ACCA involve only comparing elements, rather than facts?

HOLDING: Yes

DISCUSSION: The Court looked to precedent cases, "which have repeatedly held, and in no uncertain terms, that a state crime cannot qualify as an ACCA predicate if its elements are broader than those of a listed generic offense."⁴

The "underlying brute facts or means" by which the defendant commits his crime, make no difference; even if the defendant's conduct, in fact, fits within the definition of the generic offense, the mismatch of elements saves him from an ACCA sentence. ACCA requires a sentencing judge to look only to "the elements of the [offense], not to the facts of [the] defendant's conduct."⁵

The Court noted that the language of the statute was controlling, and that:

...construing ACCA to allow a sentencing judge to go any further would raise serious Sixth Amendment concerns because only a jury, not a judge, may find facts that increase the maximum penalty.⁶ And third, an elements-focus avoids

¹ 18 U.S.C. §922(g).

² 18 U.S.C. §924(e).

³ In other words, the jury doesn't have to agree on the location, only that one of the listed locations was involved.

⁴ Taylor v. U.S., 495 U. S. 575 (1990)

⁵ Richardson v. U.S., 526 U. S. 813 (1999).

⁶ See Apprendi v. New Jersey, 530 U. S. 466 (2000).

unfairness to defendants, who otherwise might be sentenced based on statements of “nonelemental fact[s]” that are prone to error because their proof is unnecessary to a conviction.⁷

This case involved a situation with an:

... alternatively phrased law: not one that lists multiple elements disjunctively, but instead one that enumerates various factual means of committing a single element.⁸ To use a hypothetical adapted from two of our prior decisions, suppose a statute requires use of a “deadly weapon” as an element of a crime and further provides that the use of a “knife, gun, bat, or similar weapon” would all qualify. Because that kind of list merely specifies diverse means of satisfying a single element of a single crime—or otherwise said, spells out various factual ways of committing some component of the offense—a jury need not find (or a defendant admit) any particular item: A jury could convict even if some jurors “conclude[d] that the defendant used a knife” while others “conclude[d] he used a gun,” so long as all agreed that the defendant used a “deadly weapon.”

The Court agreed that the “ACCA’s use of the term ‘convictions’ still supports an elements-based inquiry; indeed, that language directly refutes an approach that would treat as consequential a statute’s reference to factual circumstances not essential to any conviction. Similarly, the Sixth Amendment problems associated with a court’s exploration of means rather than elements do not abate in the face of a statute like Iowa’s: Whether or not mentioned in a statute’s text, alternative factual scenarios remain just that—and so remain off-limits to judges imposing ACCA enhancements. And finally, a statute’s listing of disjunctive means does nothing to mitigate the possible unfairness of basing an increased penalty on something not legally necessary to a prior conviction. Whatever the statute says, or leaves out, about diverse ways of committing a crime makes no difference to the defendant’s incentives (or lack thereof) to contest such matters.”

In this case, “because the elements of Iowa’s burglary law are broader than those of generic burglary, Mathis’s convictions under that law cannot give rise to an ACCA sentence.” The Court reversed the decision of the Eighth Court of Appeals.

Full Text of Decision: http://www.supremecourt.gov/opinions/15pdf/15-6092_1an2.pdf

⁷ *Descamps v. U.S.*, 570 U. S. ___, 2013.

⁸ See generally *Schad v. Arizona*, 501 U. S. 624 (1991) (plurality opinion) (“[L]egislatures frequently enumerate alternative means of committing a crime without intending to define separate elements or separate crimes”).