The previews are contributed by the Legal Information Institute, a nonprofit activity of Cornell Law School. The previews include an in-depth look at two cases plus executive summaries of other cases before the Supreme Court. The executive summaries include a link to the full text of the preview.

Shaw v. United States (15-5991)

Court below: *U.S. Court of Appeals for the Ninth Circuit*
Oral argument: Oct. 4, 2016

Question as Framed for the Court by the Parties

Does the bank-fraud statute, 18 U.S.C. § 1344, subsection (1)'s "scheme to defraud a financial institution" require proof of a specific intent not only to deceive, but also to cheat, a bank, as nine circuits have held?

Facts

Lawrence Eugene Shaw was convicted under 18 U.S.C. § 1344(1) for executing a scheme to obtain funds from a Bank of America (BoA) account belonging to Stanley Hsu, a Taiwanese businessman. Hsu, while working in the United States, opened an account with BoA. Upon returning to Taiwan, he had BoA send his statements to his employee's daughter, who then forwarded the statements to Hsu. Shaw lived with the employee's daughter and regularly collected her mail. He thus stumbled upon Hsu's BoA statements and used them to plan and execute a scheme to defraud Hsu.

First, Shaw opened a PayPal account in Hsu's name and linked it to the BoA account. Then, on June 4, 2007, Shaw opened two savings accounts with Washington Mutual Bank (WaMu) in his father's, Richard Shaw's, name and without his permission. Shaw then requested PayPal to link these accounts to the fake PayPal account. Shaw bypassed PayPal security by sending PayPal a copy of Hsu's BoA statement, falsified driver's license, and WaMu statements altered to list Hsu as an owner of the WaMu accounts.

Shaw then opened a WaMu checking account, linking it with the WaMu savings accounts. He transferred funds from Hsu's real BoA account to the PayPal account, from the PayPal account to the WaMu savings accounts, and from the WaMu savings accounts to the WaMu checking account. Shaw used the WaMu checking account to write checks to himself and pay his expenses. Between June 2007 and Oct. 15, 2007, Shaw withdrew over $307,000 from Hsu's BoA account. In October, Hsu discovered the fraud and reported it to BoA. BoA closed the compromised account and reversed 16 transfers, recovering about $131,000. In reimbursing BoA, PayPal suffered a net loss of $106,000. Hsu, in turn, suffered a loss of over $170,000. BoA did not suffer any financial loss.

A federal grand jury indicted Shaw on 17 counts of bank fraud, which 18 U.S.C. § 1344(1) defines as "knowingly execut[ing], or attempt[ing] to execute, a scheme or artifice … to defraud a financial institution." At trial, Shaw argued that he could not be convicted under § 1344(1) because the object of his fraud was Hsu and not BoA. He requested a jury instruction that § 1344(1) requires intent to expose the bank to monetary loss. The district court rejected Shaw's proposed instructions, holding that risk of loss was not an element of § 1344(1). The jury convicted Shaw on Dec. 13, 2012.

Shaw appealed to the Ninth Circuit, arguing that he was prosecuted under the wrong section, and that § 1344(2) should have applied. Section 1344(2) prosecutes individuals for "obtain[ing] any of the moneys … owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses." The Ninth Circuit rejected Shaw's argument and affirmed the conviction on March 27, 2015.

Analysis

Does Intent to Defraud Involve More Than Intent to Deceive?

Shaw argues that Congress intended for knowing execution of a scheme "to defraud a financial institution" to mean not only intending to deceive a bank, but also intending to cheat the bank by taking bank-owned property. Shaw notes that the focus of the statute is the scheme itself, rather than its result, which he argues is an indication that the schemer's intent is central to the statute. Shaw contends that the Supreme Court has a long-standing precedent of interpreting "defraud" to involve schemes aimed at depriving victims of their property rights through deception.

The government counters that intent to defraud a bank can be proven by mere evidence of intent to deceive the bank, citing the common law interpretation of the word "defraud." While the government admits that intent to cause harm is often an element of "defraud" at common law, it argues that this intent is only applicable to determining punishment rather than culpability. As for Congress's purpose for the bank-fraud statute, the government maintains that Congress discussed requiring intent to harm the bank itself in § 1344(1) but ultimately discarded that idea in favor of a broader provision. The government also argues that Shaw's interpretation of "defraud" would create an unsound rule because it would distinguish between schemes in which the schemer aimed to deprive a bank of property and schemes in which the schemer did not care whose property he took, thereby punishing the former while allowing the latter.

Is it Necessary for the Defendant to Intend to Deprive the Bank of the Bank's Own Property?

Shaw maintains that the plain meaning of the bank-fraud statute supports his position that a conviction for intent to defraud a bank must be based upon a scheme that was directed at bank-owned property. Shaw argues that the rules of grammar support his interpretation of the statute by noting that the verb "defraud" should be directly

applied to its object, "a financial institution." Shaw also compares the two clauses of the bank-fraud statute, noting that the second clause of the statute, unlike the first, lists both bank-owned and bank-held property. He argues that this indicates the legislature was aware of a difference and chose to have the first clause target only those individuals whose schemes were designed to take bank-owned property.

Beyond the text of the statute, Shaw argues that his position is aligned with Supreme Court precedent interpreting "defraud" as an act of depriving a person of his own property by deceit. He also contends that the legislative history of the bank-fraud statute indicates congressional intent to adopt this established interpretation of "defraud." Finally, Shaw notes that even if the Court found the statute to be unclear, any ambiguity should be resolved in his favor according to the rule of lenity, which the Court has used in interpreting other federal fraud statutes. He uses these arguments to further his case by maintaining that the money of bank customers, which he targeted in his scheme, is under the custody and control of banks but does not actually belong to the banks as property.

The government counters that the bank-fraud statute was based upon mail- and wire-fraud statutes, which have been interpreted broadly to address not only ownership interests but also other types of property interests, such as possessory interests. The government argues that the wording differences between the two clauses of the bank-fraud statute do not indicate a congressional intent to limit application of the first clause to bank-owned property. On the contrary, the government maintains that the wording difference reflects Congress' decision to mirror the structure of mail- and wire fraud statutes in the first clause, which indicates that the clause is meant to apply beyond ownership interests.

Further, the government asserts that Shaw's interpretation of the bank-fraud statute's legislative history fails to account for the nature of real-world allocation of loss from bank-fraud schemes. Because a bank's financial integrity can be put at risk by fraudulent schemes regardless of a schemer's intention to target the bank or one of its customers, the government argues that reading § 1344(1) to only protect banks from schemes targeting the bank's own property does not align with the congressional intent to generally protect banks from being defrauded. The government argues that the disconnect between a schemer's belief about who will bear the cost of a fraudulent scheme and the actual allocation of loss indicates that Congress would not have written the bank-fraud statute to rely upon whom the schemer intended to target. Accordingly, the government contends that no intent element should apply with respect to the property that the schemer targets.

Discussion

Protection of Banks Versus Protection of Citizens

The National Association of Criminal Defense Lawyers (NACDL), in support of Shaw, asserts that § 1344(1) must be interpreted narrowly to ensure fair notice and uniform punishment. The NACDL cites to a general principle that, regardless of a defendant's culpability, a defendant can only be convicted under a statute that clearly encompasses his conduct. The NACDL argues that because § 1344(1) does not clearly encompass Shaw's conduct, convicting him under this statute would be improper. Additionally, the NACDL notes that the broad interpretation of § 1344(1) may result in disparate convictions for the same conduct. That is, Shaw's fraud would be punishable not only by § 1344(1), but also by state laws. Thus, the NACDL contends that Shaw's punishment and the punishment of those similarly situated would depend on which governing body filed charges first.

The government asserts that Congress, in passing 18 U.S.C. § 1344, sought to protect banks through prosecution of a broad range of fraudulent financial representations. The government alleges that this goal would not be achieved if the government were required to prove a schemer intended to expose the bank to monetary loss. For example, under Shaw's interpretation, even if the bank suffered a financial loss, the government would not be able to prosecute the schemer if he did not intend the bank to suffer a loss. Thus, fraud that harmed a bank would go unpunished. According to the government, therefore, banks would not be fully protected from fraud if § 1344(1) required proof of intent to expose banks to monetary loss.

Foiling Prosecution Through Banking Law Intricacies

The government also asserts that adopting Shaw's argument would cause trials to turn on technical intricacies of banking laws. The government contends that inferring a harm-the-bank intent would require determining how loss from fraud is allocated according to banking laws. The allocation of loss varies with the type of fraud committed, with few professionals fully understanding the nuances of banking law. The government argues that should § 1344(1) trials depend on the interpretation of the banking laws, the complexities involved would render administration of a general criminal prohibition impracticable.

Shaw argues that his position would not lead the courts to consider banking laws at all. Shaw asserts that the prosecution would only need to show what mental state a defendant in a § 1344(1) trial had at the time the defendant committed the crime. As this burden is common in criminal prosecutions, Shaw asserts that his position would not implicate banking law.

Balance of Federal and State Power

The NACDL argues that adopting a broad interpretation of § 1344(1) would diminish state power. The NACDL contends that as the general police power is reserved for the states, allowing the federal government to prosecute crimes punishable under state law would centralize police power in the federal government. The NACDL fears that the balance of power between the federal government and the states would thus be disrupted. Moreover, the NACDL maintains that as the police power centralizes in the federal government, the role of the district courts would also change by no longer adjudicating only federal interests. Accordingly, the NACDL asserts that proper federal-state power balance warrants a narrow interpretation of § 1344(1). ⊙

Written by Laurel Hopkins and Eugene Temchenko. Edited by Tina Zheng.

Full text available at: www.law.cornell.edu/supct/cert/15-5991.

Peña Rodriguez v. Colorado (15-606)

Court below: *Colorado Supreme Court*
Oral argument: Oct. 11, 2016

Question as Framed for the Court by the Parties

May a no-impeachment rule constitutionally bar evidence of racial bias offered to prove a

violation of the Sixth Amendment right to an impartial jury?

Facts

Miguel Angel Peña Rodriguez worked as a horse keeper at a horse-racing track. In May 2007, a man sexually harassed two teenage girls in the women's restroom of the horse-racing track. The girls later identified Peña Rodriguez as the assailant, and he was charged with attempted sexual assault on a child, unlawful sexual contact, and two counts of harassment.

Before trial, counsel and the court asked venire members, or the panel of prospective jurors, questions to gauge whether each person could be a "fair juror." Venire members completed questionnaires to assess their ability to be impartial. Several individuals revealed that they were "prejudice[d] at times," but none of the jurors who were eventually impaneled had revealed any racial bias in answering the questionnaire.

The prosecution focused on the victims' testimonies, whereas the defense presented one alibi witness, a Hispanic co-worker who testified to being with Peña Rodriguez at the time of the crime. After several hours of deliberation and the threat of a hung jury, the jury found Peña Rodriguez guilty of the three misdemeanor counts. The jury found Peña Rodriguez guilty of the unlawful sexual contact and harassment charges but could not reach a verdict on the attempted sexual assault charge.

After trial, defense counsel spoke to two jurors who revealed that a juror (Juror H.C.) expressed bias against Peña Rodriguez and the defense's witness "because they were Hispanic." Defense counsel obtained affidavits from the two jurors that recounted Juror H.C.'s comments, including statements that Peña Rodriguez "did it because he's Mexican and Mexican men take whatever they want" and "nine times out of 10 Mexican men were guilty of being aggressive toward women and young girls." Juror H.C. also allegedly found the defense's witness to not be credible because "he was 'an illegal.'"

Although the trial judge acknowledged an apparent "bias against Mexican men," the court did not grant a new trial due to Colorado's no-impeachment rule, which bars investigation into jury deliberations. Peña Rodriguez was sentenced to probation for two years and ordered to register as a sex offender. On appeal, the Colorado Court of Appeals affirmed, stating that Peña Rodriguez's rights were not violated because he had a chance to ask jurors about racial biases during voir dire but his counsel failed to do so. Peña Rodriguez then appealed to the Colorado Supreme Court, which affirmed the lower court's holding, finding that under the U.S. Supreme Court's decisions *in Tanner v. United States*, involving testimony of a juror's intoxication during trial, and *Warger v. Shauers*, in which a juror had allegedly lied during voir dire, Colorado Rule of Evidence 606(b), which shelters the secrecy of jury deliberations, does not interfere with the Sixth Amendment right to an impartial jury.

Peña Rodriguez then appealed to the Supreme Court. On April 4, 2016, the Supreme Court granted certiorari to consider whether the no-impeachment rule may forbid evidence of racial bias that could violate the Sixth Amendment right to an impartial jury.

Analysis

Inadequacy of Procedural Safeguards

Peña Rodriguez argues that none of the procedural safeguards relied upon in *Tanner v. United States* and *Warger v. Shauers* are reliable in the context of racial bias. Peña Rodriguez claims that pre-verdict observations of the jury do little or nothing to prevent racial bias because racial bias does not generally manifest itself in a physically observable manner, unlike the jurors' alleged intoxication in *Tanner*. Similarly, Peña Rodriguez also claims that external evidence is not useful because racial bias during jury deliberations does not leave behind any physical evidence, such as the alcohol receipts hypothesized in *Tanner*. Next, Peña Rodriguez argues that pre-verdict juror reports are unreliable for two reasons. First, jurors may recognize a racially biased statement as offensive and yet be unaware of the gravity of the statement or that it is reportable. Second, many jurors are unlikely to report the objectionable conduct of their fellow jurors due to strong social pressures to be collaborative throughout jury deliberations.

Colorado counters that pre-verdict observations and interactions with jurors can be valuable insights into possible racial bias. Colorado also contends that Peña Rodriguez takes an unduly narrow view of external evidence and ignores other potential evidence, such as statements made outside the courthouse or posted on social media. Colorado also argues that pre-verdict juror reports are reliable and disputes both of Peña Rodriguez's claims. According to Colorado, jurors are likely to know that racial bias is reportable because racially biased statements are typically socially condemned. Even if most jurors are truly unaware that racially biased statements during deliberations are reportable, Colorado argues a simple stock instruction could cure this deficiency. Colorado further contends that jurors actually are likely to report racially biased statements by their fellow jurors and cites a number of cases from across the United States to support this claim.

Voir Dire and Supplemental Safeguards

Peña Rodriguez also claims that voir dire questioning is not a reliable method for discovering racial bias among jurors. First, Peña Rodriguez argues that trial courts are not constitutionally required to approve questions about racial bias in most circumstances. According to Peña Rodriguez, the courts have significant control over what questions are permissible and are often reluctant to raise the specter of racial discrimination by allowing race-related questions. As an example, Peña Rodriguez references *Rosales-Lopez v. United States*, which involved a defendant of Mexican descent who was convicted of assisting Mexican aliens illegally to enter the United States. The court had denied the defendant's requested inquiry into potential racial bias, and the Supreme Court affirmed the denial as a permissible exercise of discretion. Second, Peña Rodriguez notes that it is often a poor strategic decision to ask questions that draw attention to race, especially in cases in which race should not be a relevant factor in the outcome. Third, Peña Rodriguez argues that asking potential jurors about racial bias is ineffective because jurors with prejudiced beliefs will lie when asked directly due to the social stigma of expressing prejudiced beliefs, especially in public settings. Peña Rodriguez concludes by arguing that, because none of these procedural safeguards can reliably protect the right to an impartial jury in this case, Rule 606(b) must bow to the Sixth Amendment and permit impeachment of the jury's verdict when there is juror evidence of racial bias.

Colorado disagrees and argues that voir dire is a critical and proven safeguard at preventing racial bias from reaching the jury room. First, Colorado argues that under Colorado state law, the parties have an "undisputed" right to ask questions about racial prejudice during voir dire. Second,

Colorado responds that attorneys are skilled at asking uncomfortable questions during voir dire and potential jurors expect that the attorneys will ask them such questions. Furthermore, Colorado argues that peremptory challenges facilitate this type of probing questioning by permitting counsel to strike jurors who respond poorly, hesitantly, or take offense. Finally, Colorado contends that trial courts have a number of methods available to encourage honest responses across a number of sensitive topics.

Colorado also argues that other features of the jury system supplement the safeguards outlined in *Tanner* to help prevent racially biased juries. Colorado first notes that jury pools must be drawn from a fair cross section of the community and argues that this ensures viewpoint diversity on juries. Colorado further argues that *Batson v. Kentucky* challenges protect jury deliberations from racial bias caused by discriminatory juror selection. Additionally, Colorado maintains that Colorado's requirement of unanimous 12-person juries in criminal cases counters individual bias by promoting group deliberation. Colorado concludes that these procedural safeguards are at least as reliable at preventing racial bias as they are at preventing the kinds of bias in *Tanner* and *Warger*, and, therefore, no special exception from Rule 606(b) for evidence of racial bias is required by the Sixth Amendment.

Discussion

Balancing Jury Integrity and Judicial Finality

In support of Peña Rodriguez, the Center on the Administration of Criminal Law (CACL) argues that eliminating racial biases in jury decision-making outweighs the policy implications for the no-impeachment rule when these policies conflict. A group of law professors from Duke University and other schools further argue that courts are particularly attentive to racial biases, as exemplified by the *Batson* challenge, because "no right ranks higher than the right of the accused to a fair trial." Moreover, the National Association for the Advancement of Colored People (NAACP) maintains that the justice system would be significantly harmed by excluding "explicit evidence of racial discrimination in juries."

The United States, supporting Colorado, counters by noting that the legislature is charged with balancing conflicting policy considerations. Furthermore, Indiana and 11 other states maintain that the no-impeachment rule is widely accepted as a foundational aspect of the American jury system, as seen by its historical roots and the subsequent codification by 42 states with few exceptions.

In support of Peña Rodriguez, the law professors also argue that any policy interest in judicial finality yields to the public's interest in the verdict's integrity. Furthermore, the National Association of Federal Defenders contends that courts and Congress have established situations where jury testimony can impeach a verdict, such as mistakes on the verdict form. Alternatively, CACL argues that a jury's verdict need not be disrupted because the court could offer an extension of time to inquire into the challenged racial bias.

Supporting Colorado, the Colorado District Attorneys' Council counters that any exception to the no-impeachment rule weakens the public's faith in the finality of jury verdicts. Additionally, Colorado maintains that the public would lose confidence in the jury system if an exception was created for racial biases but not for other misconduct and that an exception is unnecessary because both jurors and courthouse staff have historically reported biases.

Balancing Juror Bias and Jury Privacy

Professor Cedric Merlin Powell, supporting Peña Rodriguez, claims that any policy argument in favor of jury privacy is lost after trial because jurors may openly discuss deliberations. The NAACP argues that juror harassment will not increase due to the no-impeachment rule exception because courts have established procedures to protect juries from this type of unsolicited contact. Moreover, the United Mexican States argues that, by denying jurors the chance to testify about explicit racial biases, the justice system normalizes the impact of racial biases in verdicts.

The United States, supporting Colorado, counters that courts should encourage candid jury deliberations where jurors are not preoccupied with being stigmatized by the public. The United States further argues that using evidence from jury deliberations harms jurors' confidence in returning unpopular decisions and incentivizes parties to harass jurors.

In support of Peña Rodriguez, the Constitutional Accountability Center argues that both the Sixth Amendment and the 14th Amendment represent the justice system's obligation to a "race-blind decision-making in the jury context." The Hispanic National Bar Association supports this argument by citing cases where convictions were reversed due to racial prejudice in the jury. Finally, the NAACP contends that the safeguards established throughout the justice process, like voir dire, are ineffective in uncovering racial biases because jurors rarely admit any racial biases due to fear of being socially stigmatized.

Supporting Colorado, the United States argues that the Sixth Amendment does not guarantee a right to impeach a verdict when evidence of racially charged remarks becomes available. The United States maintains that voir dire is effective in uncovering juror biases because the extensive, multi-day process discusses sensitive topics, like biases. ⊙

Written by Karen Ojeda and Nicholas Halliburton. Edited by Christopher Saki.

Full text available at: www.law.cornell.edu/supct/cert/15-606.

EXECUTIVE SUMMARIES

Bravo-Fernandez v. United States (15-537)

Court below: *U.S. Court of Appeals for the First Circuit*
Oral argument: Oct. 4, 2016

Juan Bravo-Fernandez and Hector Martínez-Maldonado were involved in a federal program bribery scheme in which Bravo allegedly paid for Martinez's trip to Las Vegas to attend a boxing match in exchange for Martínez pushing through beneficial legislation for Bravo's private security company. A jury convicted both defendants of committing federal bribery in violation of 18 U.S.C. § 666 but acquitted them of other bribery-related charges. The convictions were later vacated due to a jury instruction error, and Bravo and Martínez were acquitted on remand. Bravo and Martínez argue that the jury acquittals retain preclusive effect under the Double Jeopardy Clause despite the fact that jury had originally returned inconsistent verdicts. The government counters that because the jury's inconsistent verdicts do not allow Bravo and Martínez to show that the jury had decided in their favor, collateral estoppel does not apply. The outcome of this case could potentially affect prosecutorial theories and could disadvantage criminal defendants who face various predicate and conspiracy charges. ⊙

Full text available at: www.law.cornell.edu/supct/cert/15-537.

Salman v. United States (15-628)

Court below: *U.S. Court of Appeals for the Ninth Circuit*
Oral argument: Oct. 5, 2016

The Supreme Court will determine whether a close family relationship between the insider and tippee shows "personal benefit" necessary to establish insider trading. Petitioner Bassam Salman argues that a casual or social friendship does not prove personal benefit but, rather, proof of personal benefit requires a showing of monetary gain by the tipper. The United States contends that a tipper personally benefits by giving a gift of information to a family member or friend, rendering proof of monetary gain by the tipper unnecessary. The United States maintains that a tipper breaches his fiduciary duty to shareholders whenever he discloses nonpublic corporate information for noncorporate purposes. The Court's decision in this case may have a substantial impact on the scope of the Securities and Exchange Commission's authority to enforce securities-fraud laws in the case of tipping and consequently influence investors' interests and their confidence in securities markets. ⊙

Full text available at: www.law.cornell.edu/supct/cert/15-628.

Buck v. Davis (15-8049)

Court below: *U.S. Court of Appeals for the Fifth Circuit*
Oral argument: Oct. 5, 2016

This case addresses the correct standard to be applied in granting a Certificate of Appealability (COA) on a motion to reopen a judgment. As per the standard, petitioner Duane Buck argues that he deserved a COA since a reasonable juror could consider his ineffective assistance of counsel claim to be valid, as well as debate the validity of the district court's denial of his Rule 60(b)(6) motion. In opposition, respondent Lorie Davis, director of the Texas Department of Criminal Justice, Correctional Institutions Division, contends that Buck's ineffective assistance of counsel claim was meritless and that the district court did not abuse its discretion in denying the motion. This case will settle the correct standard for granting a COA, while also addressing issues of implicit racial biases against African-American defendants. ⊙

Full text available at: www.law.cornell.edu/supct/cert/15-8049.

Manuel v. City of Joliet (14-9496)

Court below: *U.S. Court of Appeals for the Seventh Circuit*
Oral argument: Oct. 5, 2016

This case will address a circuit split between the Seventh Circuit and nine other circuits concerning an individual's ability to file a malicious prosecution claim under 42 U.S.C. § 1983 for an alleged infringement on that individual's Fourth Amendment protection against unreasonable searches and seizures or an infringement of an individual's due process rights. On April 10, 2013, Elijah Manuel sued the city of Joliet, Ill., for injuries suffered as a result of a 47-day detention following his unlawful arrest on March 18, 2011. Manuel emphasizes that the Seventh Circuit is alone in explicitly barring malicious prosecution claims under the Fourth Amendment and therefore its lower court holding should be overturned. The city of Joliet advocates for continued adherence to the Seventh Circuit's precedent, which rejects the contention that legal process extends to claims of malicious prosecution, and also contends that Manuel's claims are time barred by state tort law, which provides adequate remedy for alleged due process violations. Manuel argues that his malicious prosecution claim is a Fourth Amendment claim and falls within the purview of federal and not state law. The case will impact the availability of recovery for post-process detentions as well as the applicability of state restrictions on § 1983 claims. ⊙

Full text available at: www.law.cornell.edu/supct/cert/14-9496.

Samsung Electronics Co. v. Apple (15-777)

Court below: *United States Court of Appeals for the Federal Circuit*
Oral argument: Oct. 11, 2016

The Supreme Court will decide whether the damages awarded in the case of design patent infringement should be calculated as the entire profits of the whole product or be limited to the profits attributable to the patent-protected component. The parties' arguments center on divergent purposes of the controlling statute, 35 U.S.C. § 289, as well as the meaning of "article of manufacture" as it is used within § 289. Apple, pointing to the plain language, congressional intent, and policy implications, argues that the purpose of § 289 was to overturn judicial precedent and allow a design patent owner to recover damages when only a component of a device infringes the design patent. Samsung, however, argues that Apple's reading is too broad and cuts against congressional intent because it will result in illogical outcomes and remove centuries-old judicial precedent. Depending on how the Supreme Court rules, this case will impact research and development funding and potentially create a new avenue of patent trolling. ⊙

Full text available at: www.law.cornell.edu/supct/cert/15-777.

Manrique v. United States (15-7250)

Court below: *U.S. Court of Appeals for the Eleventh Circuit*
Oral argument: Oct. 11, 2016

This case presents the Supreme Court with an opportunity to decide whether an appellant must file a separate appeal if he wishes to challenge a restitution award that was determined after he appealed the original judgment. Manrique argues that an appeal of an original judgment should "mature" to perfect an appeal of the amended judgment. He claims that such a process would be practical and would conform to the rules of process governing criminal appeals. The United States, on the other hand, contends that allowing the original appeal to mature would contradict the text and purpose of Rule 4(b)(2). The outcome of this case will determine how many appeals appellants must file in circumstances involving amended judgments. ⊙

Full text available at: www.law.cornell.edu/supct/cert/15-7250.