Criminal Procedure Handbook
2026 Edition

Criminal Procedure Handbook is a unique publication that is fully replaced each year with the most recent cases, organized for your convenient research by Constitutional and procedural topical area.

§ **1:78.** The United States Supreme Court ruled in *Barnes v. Felix*, 605 U.S. 73, 145 S.Ct. 1353, 221 L.Ed.2d 751 (2025) that, in resolving Fourth Amendment excessive-force claims, courts may not apply the "moment-of-threat" rule, which looks only to the circumstances existing at the precise time a law enforcement officer perceived the threat inducing them to undertake the use of deadly force, because that rule constricts the proper inquiry into whether the officer's use of force was objectively reasonable under the totality of the circumstances (abrogating *Rockwell v. Brown*, 664 F.3d 985 (5th Cir. 2011) and *Harris v. Serpas*, 745 F.3d 767 (5th Cir. 2014)).

§ **7:9.** The United States Supreme Court ruled in *Glossip v. Oklahoma*, 604 U.S. 226, 145 S.Ct. 612, 221 L.Ed.2d 90 (2025) that a witness at the defendant's trial for capital murder under Oklahoma law, who was the actual killer, falsely testified that he had been prescribed lithium after asking for cold medication and that he had never seen a psychiatrist, supporting the defendant's claim that the prosecution knowingly obtained a conviction through false evidence in violation of the Due Process Clause and *Napue v. Illinois*, where a summary of the witness's medical records created by the sheriff's department indicated someone had diagnosed the witness with bipolar disorder and prescribed him lithium, a psychiatrist attested in a sworn affidavit that he was the only medical professional at the county jail who would have issued the witness that prescription, lithium was used only in psychiatric treatments, and no one would confuse lithium with cold medication. Additionally, the Court determined that the prosecution knew the witness falsely testified, where the State almost certainly had access to the witness's medical file listing the lithium prescription and a diagnosis of bipolar disorder, lithium was only prescribed for mood disorders, the State knew the witness previously told a competency evaluator he had been prescribed lithium for dental pain, not for a cold, and the prosecutor had a pre-trial conversation with the witness at which he mentioned lithium and the prescribing psychiatrist.

§ **7:40.** The United States Supreme Court ruled in *Pitts v. Mississippi*, 607 U.S. 1, 146 S.Ct. 413, 223 L.Ed.2d 151 (2025) that a Mississippi statute providing that child witnesses in criminal cases "shall have the…righ[t]" to "a properly constructed screen that would permit the judge and jury in the courtroom…to see the child but would obscure the child's view of the defendant" was insufficient to comply with the Confrontation Clause's procedural requirements for screening in child-abuse cases, as an exception to the right to confront one's accusers face to face, where the statute purported to mandate screening, rather than requiring the trial court to hear evidence and make a case-specific finding that screening was necessary to protect the witness from trauma that would be caused by testifying in the defendant's physical presence.

§ **8:6.** The United States Supreme Court ruled in *Ellingburg v. United States*, 607 U.S. 163, 146 S.Ct. 564 (2026) that "restitution" under the Mandatory Victims Restitution Act of 1996 (MVRA) is a criminal punishment for purposes of the Ex Post Facto Clause, even though the MVRA also has a nonpunitive goal of compensating crime victims, where the MVRA, codified alongside other sentencing provisions, labels restitution a "penalty," a court may order restitution only with respect to a criminal defendant following conviction, restitution is imposed during "sentencing" for that offense, the government rather than the victim is the party adverse to the defendant at that sentencing proceeding, restitution is imposed together with or in lieu of other criminal punishments, victims lack power to initiate or settle the restitution process, and resentencing may result when the defendant refuses to pay.

§ **8:75.** The United States Supreme Court ruled in *Esteras v. United States*, 606 U.S. 185, 145 S.Ct. 2031, 222 L.Ed.2d 438 (2025) that, when revoking supervised release, district courts cannot consider the statutory sentencing factor that looks at the need for a sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense, as that factor was excluded from the statute that enumerated other specific considerations for a revocation decision (abrogating *United States v. Lewis*, 498 F.3d 393 (6th Cir. 2007); *United States v. Vargas-Dávila*, 649 F.3d 129 (1st Cir. 2011); *United States v. Williams*, 443 F.3d 35 (2nd Cir. 2006); *United States v. Young*, 634 F.3d 233 (3rd Cir. 2011); *United States v. Clay*, 752 F.3d 1106 (7th Cir. 2014)).

§ **9:14.** The United States Supreme Court ruled in *Trump v. J. G. G.*, 604 U.S. 670, 145 S.Ct. 1003, 221 L.Ed.2d 529 (2025) that, regardless of whether Venezuelan noncitizens detained by the Department of Homeland Security formally requested release from confinement, their claims for relief, which necessarily implied the invalidity of their confinement and prospective removal from the United States under the Alien Enemies Act of 1798 pursuant to a Presidential Proclamation announcing that Venezuelan nationals who were members of an entity that the State Department had designated as a foreign terrorist organization would be detained and removed, fell within the core of the writ of habeas corpus and therefore had to be brought in habeas rather than as an action for declaratory and injunctive relief under the Administrative Procedure Act, alleging that implementation of the Proclamation and removal would be arbitrary, capricious, and contrary to law.

§ **9:56.** The United States Supreme Court ruled in *Rivers v. Guerrero*, 605 U.S. 443, 145 S.Ct. 1634, 222 L.Ed.2d 93 (2025) that, in general, once the district court has entered its judgment with respect to a state prisoner's first application for federal habeas relief, a second-in-time application qualifies as "second or successive" and is thus properly subject to the Antiterrorism and Effective Death Penalty Act's (AEDPA) gatekeeping requirements for filing a second or successive application (abrogating *Whab v. United States*, 408 F. 3d 116 (2nd Cir. 2005) and *United States v. Santarelli*, 929 F. 3d 95 (3rd Cir. 2019)).