

Supreme Court to Review Cases on Criminal Sentencing and Appropriations



The US Supreme Court has recently announced that it will hear two additional cases this term, namely *Pulsifer v. United States* and *Consumer Financial Protection Bureau v. Community Financial Services Association of America, Limited*.

The first case involves the meaning of the First Step Act of 2018, which was designed to reform sentencing by requiring district courts to ignore mandatory minimum sentences for certain criminal defendants who meet specific criteria, such as not having more than four criminal history points based on prior convictions, not having a prior three-point offense, and not having a prior two-point offense on their record.

Specifically, the *Pulsifer* petitioners are asking the Supreme Court to determine whether the "and" in Section 3553(f)(1) of the First Step Act requires a defendant not to have met all three criteria to qualify or whether the defendant is automatically ineligible for the alternate sentencing guidelines if they do not meet one of the criteria. The Eighth Circuit previously held that this section of the statute does not allow a defendant to qualify for the sentencing guidelines if they have only one of the offenses listed. However, there is currently a circuit split between the circuit courts regarding whether Section 3553(f)(1) should be read together or individually.

The United States' brief argues that the statute should be read as banning the safety valve relief for defendants who violate only one of the criteria. The resolution of this case will have important implications for the sentencing of criminal defendants in the US, as it will determine whether defendants who do not meet all three criteria can still qualify for alternate sentencing guidelines.

The second case, *Consumer Financial Protection Bureau v. Community Financial Services Association of America, Limited*, involves the Consumer Financial Protection Bureau (CFPB) and its funding. The CFPB is a government agency created under the Dodd-Frank Wall Street Reform and Consumer Protection Act, allowing it to receive funding determined by the agency's director annually.

This case will have important implications for the independence of government agencies in the US and the role of Congress in appropriating funds for these agencies. The Supreme Court's decision will likely have implications for other agencies funded similarly to the CFPB.

Overall, the two cases the US Supreme Court heard this term involve critical legal issues related to criminal sentencing and government agency funding. The resolution of these cases will have significant implications for the legal system in the US and the role of government agencies in society.

REFERENCES:

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