



Supreme Court Update

Author : Jeff Welty

Categories : [Uncategorized](#)

Tagged as : [chaidez](#), [exigent circumstances](#), [king](#), [officer-created exigency](#), [padilla](#), [retroactivity](#), [supreme court](#)

Date : May 1, 2012

Today, I wanted to note two timely and interesting items concerning the United States Supreme Court.

First, the Court just granted certiorari in *Chaidez v. United States*, a case that presents the issue of whether *Padilla v. Kentucky* applies retroactively. *Padilla*, of course, is the case that requires criminal defense attorneys, in some circumstances, to counsel their clients about the immigration consequences of criminal convictions. SCTOUSblog covers the basics of *Chaidez* [here](#). Remember that the North Carolina Court of Appeals has ruled that *Padilla* is not retroactive, as discussed [here](#), and that the issue is the subject of a split of authority nationally, as discussed [here](#).

Second, remember *Kentucky v. King*, the case that essentially demolished the so-called officer-created exigency doctrine? (If you don't, check out [this](#) prior post.) As I noted at the time, the Court did not determine whether the facts of *King* actually amounted to exigent circumstances -- it merely held that the officers did not improperly create any exigency. The case was remanded to the Supreme Court of Kentucky, which reached the more fundamental question and ruled that the circumstances weren't exigent. More details [here](#) at the Volokh Conspiracy.