

SUPREME COURT OF THE UNITED STATES

Rehaif v. United States

588 U.S. ____ (2019) · No. 17-9560 · Decided June 21, 2019

SUMMARY

The Supreme Court held that, in a prosecution under 18 U.S.C. §§ 922(g) and 924(a)(2), the Government must prove that the defendant knew both that he possessed a firearm and that he belonged to the relevant category of persons barred from possessing firearms. The Court reversed and remanded the Eleventh Circuit’s judgment, leaving the harmless-error question for the lower courts.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Breyer; Chief Justice Roberts; Justice Ginsburg; Justice Sotomayor; Justice Kagan; Justice Gorsuch; Justice Kavanaugh; Justice Alito; Justice Thomas
JURISDICTION	Federal
DECIDED	June 21, 2019
DOCKET	17-9560
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Rehaif was convicted in federal district court under 18 U.S.C. §§ 922(g) and 924(a)(2) after the jury was instructed that the Government did not need to prove he knew he was unlawfully in the United States. The Eleventh Circuit affirmed, and the Supreme Court granted certiorari.
STANDARD OF REVIEW	De novo review of the interpretation of federal criminal statutes and the required mens rea; the Court did not decide whether the instructional error was harmless.
PRECEDENTIAL VALUE	binding
PARTIES	Hamid Mohamed Ahmed Ali Rehaif v. United States

TOPICS

- statutory interpretation
- mens rea
- criminal procedure
- criminal immigration
- immigration

PRACTICE AREAS

criminal law

federal criminal procedure

statutory interpretation

immigration law

firearms law

QUESTIONS PRESENTED

1. Whether, in a prosecution under 18 U.S.C. §§ 922(g) and 924(a)(2), the Government must prove that the defendant knew he possessed a firearm.
2. Whether, in such a prosecution, the Government must prove that the defendant knew he belonged to the category of persons barred from possessing firearms.
3. Whether the jury-instruction error was harmless.

HOLDINGS

1. In a prosecution under 18 U.S.C. §§ 922(g) and 924(a)(2), the Government must prove that the defendant knew he possessed a firearm or ammunition.
2. The Government must prove that the defendant knew he belonged to the relevant category of persons barred from possessing a firearm; for Rehaif, that meant proving he knew he was an alien unlawfully present in the United States.
3. The Court decided only the mens rea issue presented concerning the status at issue in Rehaif's prosecution and did not decide precisely what the Government must prove regarding knowledge of status under other § 922(g) provisions.
4. The Supreme Court did not decide whether the erroneous jury instruction was harmless because the lower courts had not addressed harmlessness; that issue was left for consideration on remand.

KEY QUOTATIONS

“In a prosecution under §922(g) and §924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm.” (1)

“We hold that the word “knowingly” applies both to the defendant’s conduct and to the defendant’s status.” (1)

“Without knowledge of that status, the defendant may well lack the intent needed to make his behavior wrongful.” (6)

“We conclude that in a prosecution under 18 U. S. C. §922(g) and §924(a)(2), the Government must prove both that the defendant knew he possessed a firearm and that he knew he belonged to the relevant category of persons barred from possessing a firearm.” (11)

FACTUAL BACKGROUND

Rehaif entered the United States on a nonimmigrant student visa to attend university. After receiving poor grades, he was dismissed from the university and informed that his immigration status would terminate unless he

transferred or left the country, but he did neither. He later visited a firing range and shot two firearms, leading to his prosecution for firearm possession while unlawfully present in the United States.

PROCEDURAL HISTORY

Rehaif was prosecuted for possessing firearms as an alien unlawfully present in the United States. The district court gave an instruction eliminating any requirement that the Government prove knowledge of his unlawful status, and Rehaif was convicted and sentenced to 18 months' imprisonment. The Eleventh Circuit affirmed at 888 F.3d 1138, concluding that knowledge of status was not required. The Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion, including consideration by the lower courts of whether the jury-instruction error was harmless.

CASES CITED

- United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337 (1906)
- United States v. X-Citement Video, Inc., 513 U.S. 64 (1994)
- Flores-Figueroa v. United States, 556 U.S. 646 (2009)
- Staples v. United States, 511 U.S. 600 (1994)
- Morissette v. United States, 342 U.S. 246 (1952)
- Luna Torres v. Lynch, 578 U.S. ____ (2016)
- United States v. Games-Perez, 667 F.3d 1136 (10th Cir. 2012)
- United States v. Balint, 258 U.S. 250 (1922)
- Cheek v. United States, 498 U.S. 192 (1991)
- Liparota v. United States, 471 U.S. 419 (1985)
- Helsinn Healthcare S.A. v. Teva Pharmaceuticals USA, Inc., 586 U.S. ____ (2019)
- Thacker v. TVA, 587 U.S. ____ (2019)
- Cutter v. Wilkinson, 544 U.S. 709 (2005)
- United States v. Pruner, 606 F.2d 871 (9th Cir. 1979)
- United States v. Renner, 496 F.2d 922 (6th Cir. 1974)
- United States v. Williams, 588 F.2d 92 (4th Cir. 1978) (per curiam)
- Old Chief v. United States, 519 U.S. 172 (1997)
- Ryan v. Valencia Gonzales, 568 U.S. 57, 66 (2013)
- Barrett v. United States, 423 U.S. 212, 218 (1976)
- United States v. Hayes, 555 U.S. 415 (2009)

- *Voisine v. United States*, 579 U.S. ____ (2016)
- *United States v. Castleman*, 572 U.S. 157 (2014)
- *Muscarello v. United States*, 524 U.S. 125, 138 (1998)
- *United States v. Freed*, 401 U.S. 601 (1971)
- *United States v. Dotterweich*, 320 U.S. 277 (1943)

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