

RECENT THIRD CIRCUIT AND SUPREME COURT CASES

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SUPREME COURT

I. Ten-Year Mandatory Minimum for Prior Convictions in Child Pornography Cases

Lockhart v. United States, No. 14-8358, 2016 U.S. LEXIS 1611 (U.S. Mar. 1, 2016).

18 U.S.C. § 2252(b)(2) subjects defendants convicted of possessing child pornography under § 2252(a)(4) to a ten year mandatory minimum sentence if they have a prior conviction under state law relating to aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward. Relying on “the rule of the last antecedent,” the Court held that the term “involving a minor or ward” modifies ONLY the last item in this list – abusive sexual conduct.

Therefore, Lockhart’s prior conviction for sexual abuse of his then-girlfriend, aged 53, qualifies as a predicate offense triggering the mandatory minimum sentence in his child pornography case.