

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/alleyne-v-united-states-sixth-amendment-requires-jury-based-fact-finding-where-facts-trigger-higher-sentences>

Public Facing Advocacy Writing

Since the 2000 U.S. Supreme Court decision in [Apprendi v. New Jersey](#), defendants have had a Sixth Amendment right to demand that any fact which enhances a sentence's statutory maximum be found by a jury beyond a reasonable doubt. Normally understood, the Sixth Amendment requires a jury to decide all facts that determine the penalty range of a crime.

Yet the Court under its 2002 decision in [Harris v. United States](#) maintained that this right did not similarly apply to facts that could trigger mandatory minimum sentences. Under *Harris*, judges could decide such facts on their own, using only a preponderance of evidence, a lower standard of proof than that guaranteed at trial. In *Harris* the Court reasoned that the factual basis for increasing the defendant's mandatory minimum was not essential to the punishment, since the jury's verdict authorized the judge to impose the minimum with or without the judicial fact-finding. (The judge sentenced Harris to seven years to life, instead of five years to life.)

However, in [Alleyne v. United States](#) a five-to-four decision handed down in June the Court acknowledged that there is no longer any reason to draw a constitutional distinction between mandatory minimums and statutory maximums. In reversing itself, the Court noted that subsequent constitutional developments have eroded the underpinnings of the distinction made in *Harris*, highlighting, in particular, the Court's application of *Apprendi* in striking down mandatory sentencing systems at the state and federal levels over the last thirteen years. In doing so, the Court once again expanded important due process rights normally associated with trials to the sentencing process.

Justice Thomas, writing for the majority, explained that Sixth Amendment jurisprudence and the general principle applied in *Apprendi* make it impossible to disassociate the floor of a sentencing range from the penalty affixed to the crime. Facts that increase sentencing ceilings and sentencing floors alter the prescribed range of sentences to which a defendant is exposed and can do so in a manner that can aggravate the punishment, making it all the more important that such findings of fact be done so by a jury.

As a result of *Alleyne*, judges may no longer determine a fact in a criminal case, if that fact increases a mandatory minimum. And prosecutors who want to increase the base mandatory minimum sentence to which a defendant is exposed will have to submit additional facts to juries to decide before judges can apply an increase to a mandatory minimum sentence.

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