

Clarence Thomas Calls Out Judges for Disrespecting Supreme Court Rulings

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By [Jenna Sundel](#)
Reporter (Live News)

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Supreme Court Justice [Clarence Thomas](#) slammed a circuit court of appeals for not adhering to legal precedent in a dissent released on Monday.

Thomas dissented from a denial by the court to review a lower court's decision. Justice [Samuel Alito](#) joined the opinion.

"Because I would not overlook the Sixth Circuit's blatant and repeated disrespect for the rule of law, I respectfully dissent," Thomas said in his dissent.



Associate Justice Clarence Thomas joins other members of the Supreme Court as they pose for a group portrait in Washington, Oct. 7, 2022. **AP PHOTO/J. SCOTT APPLEWHITE. FILE**

Why It Matters

Thomas' dissent focuses on the Sixth Circuit Court of Appeals' application of the Antiterrorism and Effective Death Penalty Act (AEDPA). The law limits federal courts' power to review state criminal convictions.

Thomas said this case is the latest in a "long line" of AEDPA errors made by the Sixth Circuit. The [Supreme Court](#) has reversed the lower court's decisions at least two dozen times for misapplying the statute, according to Thomas.

What To Know

David Smith, an Ohio man, was convicted of attempted murder, felonious assault, aggravated robbery, and aggravated burglary after he attacked Quortney Tolliver in her mobile home in 2015.

Before the trial, Smith asked the court to suppress Tolliver's identification of him as the suspect, arguing that law enforcement was "unnecessarily suggestive" when interviewing her. The motion was unsuccessful and the evidence was admitted.

In appeals of the decision, Smith renewed his argument for the suppression of Tolliver's identification.

"Overall, [Lieutenant Greg] Johnson did not merely *suggest* that Smith was the perpetrator, but rather explicitly *informed* Tolliver several times that Smith committed the crime and tried to kill her," the Sixth Circuit Court of Appeals wrote in its ruling.

The Sixth Circuit directed the district court to issue a writ of habeas corpus unless the state can hold a new trial within 180 days. The order would require the government to prove to a judge that there is a valid reason the defendant is in jail.

Thomas said the lower court's majority made errors that were "particularly egregious."

"The panel majority's errors have real consequences," Thomas said. "The State of Ohio must retry Smith for a crime committed nearly a decade ago. That result comes at a steep cost for both society and the victim."

He said he would have reversed the Sixth Circuit's decision "to ensure that federal courts do not exceed their very limited role in collateral review of state criminal convictions."

Dissent Definition and Meaning

A dissenting opinion is written by a Supreme Court justice who disagrees with the majority opinion in a case. Dissenting opinions are not law and future cases are not required to follow them.

The opinions allow justices to represent minority viewpoints on contested legal issues.

How Many Justices are on the Supreme Court?

There are nine Supreme Court justices. The current Court consists of Chief Justice [John Roberts](#) and Associate Justices Thomas, Alito, [Sonia Sotomayor](#), [Elena Kagan](#), [Neil Gorsuch](#), [Brett Kavanaugh](#), [Amy Coney Barrett](#) and [Ketanji Brown Jackson](#).

What People Are Saying

Thomas, in his dissent: "I would have granted certiorari and summarily reversed. Smith did not make the required showing for habeas relief, and the Sixth Circuit's analysis blatantly disregards both AEDPA and this

Court's precedents in order to give Smith a regrettable windfall."

What Happens Next

The Supreme Court's decision allows for a retrial of Smith's case.

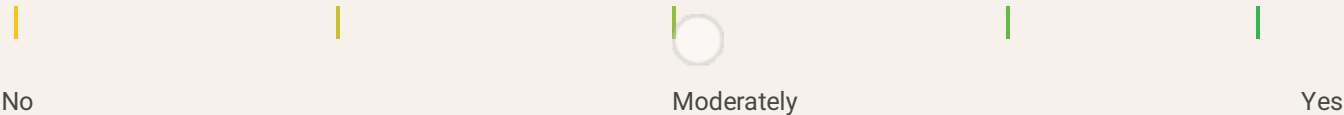
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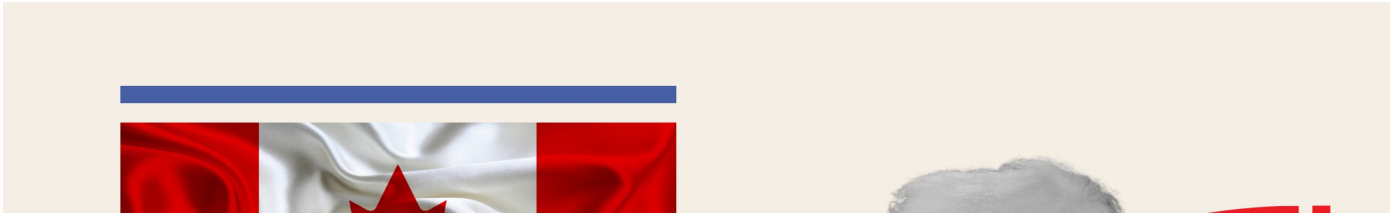


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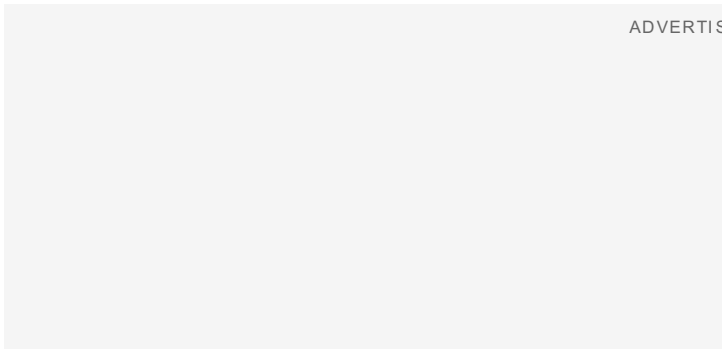
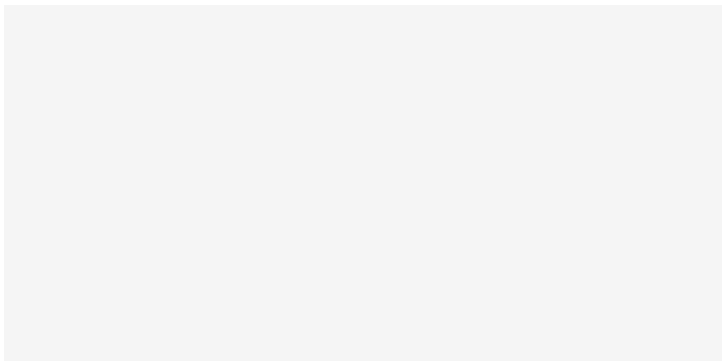
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Jenna Sundel is a Newsweek reporter based in New Jersey. Her focus is reporting on breaking news. She has in-depth ...

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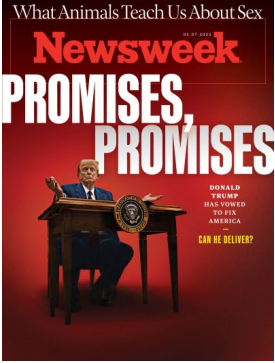
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