Erlinger v. United States

# Facts

In 2017, Paul Erlinger pled guilty to felon-in-possession charges under 18 U.S.C. §922(g). The court enhanced his sentence under the Armed Career Criminal Act (ACCA), 18 U.S.C.

§924(e)(1), based on Erlinger’s prior convictions. During resentence, Prosecutors pursued an ACCA sentence enhancement based on a set of 26-year-old convictions for burglaries Erlinger committed over several days. Erlinger argued that the burglaries were part of a single criminal episode, disputing their qualification for enhancement.

# Procedural History

The district court sentenced Erlinger to 15 years under the ACCA. After two predicate offenses were invalidated, prosecutors presented old burglary convictions at resentencing. Erlinger requested a jury determination, which the court denied. Despite government acknowledgment of error, the Seventh Circuit upheld the sentence. The Supreme Court granted certiorari.

# Issues

Do the Fifth and Sixth Amendments require a jury trial and proof beyond a reasonable doubt, not a judge, to find whether a defendant's prior convictions were committed on separate occasions for ACCA sentencing enhancements?

# Holding

Yes, the Fifth and Sixth Amendments require a jury to determine beyond reasonable doubt such findings.

**Judgement**

Vacated and remanded.

# Legal Reasoning

Justice Gorsuch, majority opinion:

Erlinger is entitled to a jury determination on whether his prior offenses occurred on separate occasions under the ACCA. Article III, §2, cl. 3 of the U.S. Constitution, along with the Fifth and Sixth Amendments, guarantees a jury trial for facts that increase criminal penalties. These provisions, rooted in the Framers' intent to prevent judicial overreach, require that a unanimous jury find any fact raising sentencing limits (*Apprendi v. New Jersey*, *Alleyne v. United States*). Judges may impose sentences only after jury-determined facts establish the sentencing range.

Erlinger’s sentence exceeded the 10-year maximum under §922(g) because the court deemed his prior convictions as separate incidents. Deciding whether offenses are distinct involves factbased inquiries into timing, proximity, and purpose (*Wooden v. United States*), requiring a unanimous jury decision beyond a reasonable doubt. Allowing judges to make this determination violates constitutional safeguards.

*Almendarez-Torres v. United States* permits judges to confirm prior convictions but not their timing or relation. Thus, the district court erred in deciding that Erlinger’s offenses occurred separately. Convenience does not justify infringing on Fifth and Sixth Amendment rights. Bifurcating guilt and sentencing decisions remain a fair, common solution.

Chief Justice Roberts, concurring:

Roberts agreed that a jury must decide if prior offenses occurred on separate occasions under the ACCA but noted such errors are subject to harmless error review, warranting reconsideration by the Seventh Circuit.

Justice Thomas, concurring:

Thomas agreed with the majority, affirming the Sixth Amendment's jury requirement for ACCA enhancements. He argued *Almendarez* should be overruled, as judicial fact-finding on prior convictions violates the Constitution’s original intent.

Justice Kavanaugh joined by Justice Alito and, in part, Justice Jackson, dissenting:

Requiring a jury to determine if prior offenses occurred on separate occasions under the ACCA contradicts precedent and harms judicial efficiency. The Sixth Amendment guarantees a jury for present-offense facts, not recidivism-related ones (*Apprendi*). Even if it applied, any error in

Erlinger’s case was harmless given the clear evidence of separate dates and locations. Jackson disagreed, arguing the error wasn’t harmless without proper jury consideration.

Overturning *Almendarez* undermines legal stability and disrupts decades of practice. It aligns with constitutional text and history, works well to balance efficiency with fairness, and has strong reliance interests in both state and federal sentencing systems.

*Almendarez,* permits a judge to make recidivism-related findings, which includes the different occasions determination. Additionally, it preserved the clear distinction between facts about the current offense, which are for the jury, and past offenses, for the judge. The majority decision contradicts this long-standing principle. All twelve federal appellate courts previously agreed that judges could decide this issue.

Determining different occasions involves factual questions like other recidivism determinations that judges routinely handle, like the timing and nature of prior convictions. Judges are best equipped to analyze judicial records, reducing trial complexity and preventing juror confusion. The majority decision risks prejudicing defendants, overcomplicating trials, increasing costs, and burdening judicial resources, while potentially forcing widespread legislative changes.

Judge Jackson, dissenting:

Jackson opposes the Court’s decision to extend the *Apprendi* rule to recidivism-related findings under the ACCA.

*Apprendi* was wrongly decided, unnecessarily restricting legislative authority and judicial discretion in sentencing, wrongly limiting legislative authority and judicial discretion.

Traditionally, judges determine sentencing facts, including recidivism, without infringing on the jury’s role in establishing guilt. Shifting this responsibility to juries complicates proceedings, risks prejudicing defendants with old convictions, and hinders fair sentencing reforms. Judges are better equipped to assess complex criminal histories; applying *Apprendi* to recidivism creates unnecessary burdens without improving fairness or consistency in sentencing.

# Relation to Other Cases Apprendi v. New Jersey

Alleyne v. United States

Wooden v. United States

Ramos v. Louisiana

United States v. Haymond

Blakely v. Washington

# Source of Law

Armed Career Criminal Act (ACCA) U.S.C Art. III §2, cl. 3. 18 U.S.C §924(e)(1) Fifth Amendment

Sixth Amendment

# System Operations

The court emphasizes the jury’s role in checking government power, ensuring punishments are based on laws and unanimous verdicts, while highlighting procedural safeguards and how courts navigate conflicting precedents.

# Impact

The ruling mandates unanimous juries for ACCA prior offense decisions, increasing trials, appeals, and legislative changes while reshaping court procedures.