

# Criminal Legal Reform

- ⚠️ Trump-appointed judges have consistently sided with harsh, outdated interpretations of the law that prioritize punishment over justice, with disproportionate impacts on people of color.
- ⚠️ These judges have made it harder for wrongfully convicted people to challenge their imprisonment, even when new evidence proves their innocence, leading to the extended incarceration of innocent people.
- ⚠️ Trump judges have used their power to deepen the cruelty of mass incarceration, criminalize poverty, and carry out executions of individuals without meaningful oversight or accountability.

## The Cases

### 1 *Jones v. Hendrix*

In 2023, the Supreme Court's conservative majority [ruled](#) that a person who has already sought post-conviction relief cannot seek it again — even if new evidence proves they are legally innocent and the Supreme Court acknowledges that innocence.

**What Happened?** In 2000, Marcus Jones was convicted for felony possession of a firearm. Nearly 20 years later, the Supreme Court ruled in [Rehaif v. United States](#) that the government must prove the defendant knew they were prohibited from possessing a firearm — an element not established at Jones's trial — to secure such a conviction. Under *Rehaif*, Jones is legally innocent. However, the Court rejected arguments from both Jones and the government to allow a legal remedy for individuals later found legally innocent due to changes in how the law is interpreted.

**Impact:** This decision allows courts to keep people in prison even when it's clear they shouldn't be. It prioritizes procedure over truth, and finality over fairness. In a country that claims to value liberty and justice, refusing to correct known wrongful convictions is unconscionable and underscores the urgent need for reform. The harm and danger of this decision is overwhelmingly clear: **innocent people should not be incarcerated.**

### 2 *In re: Federal Bureau of Prisons Execution Protocol Cases*

Trump-appointed judges on a D.C. Circuit Court panel [paved the way](#) for the federal government to resume executions by narrowly interpreting federal death penalty law.

**What Happened?** In 2020, near the end of Trump's first term, his administration moved to restart federal executions after a nearly 20-year pause. Four plaintiffs challenged the new execution protocol, arguing it violated the Federal Death Penalty Act and other federal laws, as well as the Constitution. However, Trump-appointed Judges Gregory Katsas and Neomi Rao ruled that the government only needed to follow state laws specifically governing execution procedures — not broader state policies or protocols.

**Impact:** This decision allowed the Trump administration to resume and rapidly escalate federal executions, leading to a record-breaking [13 federal executions](#) in a single year — an unprecedented number in modern history. The court's interpretation decision ignored evolving state standards. And for the first time ever, executions were carried out during a presidential transition by a lame-duck president, breaking longstanding norms.

### 3 **Grants Pass v. Johnson**

In 2024, the Supreme Court's conservative majority **overturned** a Ninth Circuit ruling that had protected the rights of unhoused individuals to use basic coverings — like blankets, cardboard, or tents — while sleeping outdoors.

**What Happened?** In 2013, the city of Grants Pass, Oregon began aggressively enforcing ordinances prohibiting unhoused people from using blankets, pillows, or cardboard boxes while sleeping in public. In 2018, John Logan and Gloria Johnson — both unhoused — challenged these laws, arguing they violated the "cruel and unusual punishment" clause of the Eighth Amendment, and were, in turn, unconstitutional. Lower courts agreed and temporarily blocked the city from enforcing the laws at night and in certain daytime situations. However, the Supreme Court later reversed those rulings, allowing the city to **criminalize people for being unhoused**.

**Impact:** By allowing cities to punish people for sleeping outdoors with basic protection — often when no shelter is available — the Court has effectively allowed the criminalization of homelessness itself. As the U.S. faces a growing and deeply complex housing crisis, the Court has chosen to empower parochial short-sightedness. This decision invites cities to fine, banish, or jail people simply for trying to sleep and stay alive. It deepens the criminalization of poverty and sends a stark message: in America, homelessness is not met with help, but with handcuffs.

## **The Bigger Picture**

### **The Courts Are Rigged Against Us**

Trump-appointed judges, along with the conservative supermajority on the Supreme Court have helped solidify an increasingly unjust criminal legal system. Their rulings entrench mass incarceration and prioritize punitive measures over rehabilitation and justice. By upholding excessive sentencing, the criminalization of poverty, and making it harder to challenge wrongful convictions, these judges are cementing a legal system that disproportionately harms people of color and vulnerable populations, while centralizing power in an increasingly unaccountable and cruel system. Their collective decisions have already and will continue to lead to the wrongful imprisonment and potential execution of innocent people, the incarceration of individuals merely attempting to stay alive, and the removal of peoples' constitutional rights.

## **Why This Matters to You**

### **How Trump Judges Are Setting Back Criminal Legal Reform and Targeting People of Color**

- Trump-appointed judges are making it harder for individuals to access justice.
- Their rulings reinforce inequality in the criminal justice system, fueling cycles of incarceration and poverty, especially in vulnerable communities.
- By restricting the ability to challenge wrongful convictions, these judges prioritize punishment over protecting an individual's innocence.
- This broader trend threatens the fairness and integrity of our judicial system, undermining the core ideals of justice, access to trial, and equality for all.

### **What You Can Do**



- Spread the word: Share this fact sheet to educate your communities.
- Hold lawmakers accountable: Demand senators reject any nominees who will protect the wealthy and powerful over the rights of all of us.
- Support organizations like AFJ that are fighting back.