

The Supreme Court Update - June 1, 2026

June 1, 2026

by Andrew Brantingham, Ian Blodger, Jessica M. Leano, and Brock Huebner

On June 1, 2026, the Supreme Court of the United States issued one decision:

Whitton v. Dixon, No. 25-580: This case addresses what evidence a court may consider when assessing whether a criminal defendant was prejudiced by a violation of a criminal prosecutor's obligations to provide evidence that could be used to impeach the credibility of a government witness under *Giglio v. United States*, 405 U.S. 150 (1972). Here, a Florida jury convicted Gary Whitton of murder and sentenced him to death. During the trial, a jailhouse informant testified that Whitton admitted to the murder. During the examination of the jailhouse informant, he falsely claimed he did not have a criminal record, and the prosecutor knew that this testimony was false. Whitton appealed, arguing that the jailhouse informant's false testimony violated *Giglio* and that there was a reasonable likelihood that the testimony affected the jury's verdict. After an unsuccessful direct appeal in which the Florida Supreme Court found any error to be harmless because the evidence against Whitton was found to be "overwhelming," Whitton sought habeas relief in federal court. The district court denied his request, and the Court of Appeals for the Eleventh Circuit affirmed, holding that any error was harmless to Whitton because the Florida Supreme Court reasonably concluded that the evidence against Whitton was overwhelming. In reaching this conclusion, the Eleventh Circuit relied, in part, on evidence that was presented during trial, including DNA testing conducted more than a decade after Whitton's trial. Whitton brought a petition for certiorari to the Supreme Court. The Supreme Court granted certiorari and vacated the Eleventh Circuit's decision, holding that the court should not have considered the post-trial DNA evidence in assessing whether the Florida Supreme Court reasonably determined that the jailhouse informant's testimony was immaterial to the jury's verdict. Justice Thomas dissented, joined by Justice Alito, arguing that the evidence against Whitton was overwhelming, even without the post-trial DNA evidence.

View the Court's [decision](#).

Related People

- Andrew Brantingham
- Ian Blodger
- Jessica M. Leano
- Brock Huebner

Related Capabilities

- Appellate

On June 1, 2026, the Court granted certiorari in one case:

Maxwell v. Thomas, No. 25-5930: Maxwell filed an application for federal habeas relief seeking a transfer to a halfway house or home confinement. The district court dismissed his application, finding that Maxwell had not fully pursued the administrative remedies available to him, and the Fifth Circuit held that a federal civil rights suit, rather than a habeas petition, was the proper vehicle for the relief Maxwell sought. The question presented is: Whether a claim regarding application of time credits under the First Step of 2018 seeking accelerated transfer to a halfway house or home confinement can be brought in a habeas petition under 28 U.S.C. § 2241.