

United States vs. Hayes

On February 24, 2009, the U.S. Supreme Court held that a federal law prohibiting the possession of firearms by anyone convicted of a “misdemeanor crime of domestic violence” would also prohibit someone convicted of a “general battery” against a spouse from owning firearms.

In 1994, Randy Hayes pleaded guilty to a misdemeanor battery offense. The victim named in the criminal complaint was, at the time of the offense, Hayes’ wife. As a result of the incident, Hayes was sentenced to one year probation. Ten years later, police responded to a domestic violence call from Hayes’s home and, after getting his consent to search the premises, found a rifle. A subsequent investigation found Hayes had possessed at least four other rifles since the 1994 battery conviction. Hayes was convicted in the U.S. District Court for the Western District of WV for possession of a firearm after having previously been convicted of a misdemeanor crime of domestic violence. He was sentenced to five years probation.

Hayes lawyers argued that his prior conviction for misdemeanor battery did not constitute a conviction for a misdemeanor crime of violence under this statute. They stated that more was required before he was subject to the federal firearms possession ban of the 1968 Gun Control Act and that the state must have a statute that specifically defined and prohibited “domestic violence” as an independent crime; a person convicted of that crime would then be subject to the federal prohibition under the Act, but a person convicted of another crime, such as misdemeanor battery, would not be subjected. Hayes agrees the person he battered was his wife, but in 1994 the state of West Virginia did not have a statute that prohibited “domestic violence” as a specific crime. Therefore, he argued, it was impossible for him to be banned from firearm possession.

In April 2007, a three-judge panel on the 4th U.S. Circuit Court of Appeals in Virginia reversed the opinion of the District Court, noting that the language of West Virginia law on battery must contain specific wording about a domestic relationship between the offender and the victim.

The case was heard by the Supreme Court in 2008. The question presented to the Court was the statutory meaning of the prohibition of the Act and how far it extended; whether to qualify as a “misdemeanor crime of domestic violence”, an offense must have the element of a domestic relationship between offender and the victim.

The Supreme Court, in a 7-3 vote, reversed the appeals court decision. “A domestic relationship, although it must be established beyond a reasonable doubt in a firearms possession prosecution, need not be a defining element of the predicate offense,” Justice Ginsburg wrote in the majority opinion.

The Court held that the predicate offense statute need not include the existence of a “domestic relationship” as an element of the crime in order to qualify as a “misdemeanor crime of domestic violence” as specified by the Gun Control Act of 1968. The Court reasoned that the language of the Act suggested that the offense statute need *only* include “the use of force” as an element of the crime. Any alternate reading runs contrary to Congress’s intent of prohibiting domestic violence misdemeanants from possessing guns.