

15-474 MCDONNELL V. UNITED STATES

DECISION BELOW: 792 F.3d 478

LOWER COURT CASE NUMBER: 15-4019

QUESTION PRESENTED:

I. Under the federal bribery statute, Hobbs Act, and honest-services fraud statute, 18 U.S.C. §§ 201, 1346, 1951, it is a felony to agree to take "official action" in exchange for money, campaign contributions, or any other thing of value. The question presented is whether "official action" is limited to exercising actual governmental power, threatening to exercise such power, or pressuring others to exercise such power, and whether the jury must be so instructed; or, if not so limited, whether the Hobbs Act and honest-services fraud statute are unconstitutional.

II. In *Skilling v. United States*, this Court held that juror screening and *voir dire* are the primary means of guarding a defendant's right to an impartial jury against the taint of pretrial publicity. 561 U.S. 358, 388-89 (2010). The question presented is whether a trial court must ask potential jurors who admit exposure to pretrial publicity whether they have formed opinions about the defendant's guilt based on that exposure and allow or conduct sufficient questioning to uncover bias, or whether courts may instead rely on those jurors' collective expression that they can be fair.

GRANTED LIMITED TO QUESTION 1 PRESENTED BY THE PETITION.

CERT. GRANTED 1/15/2016