

11-199 VASQUEZ V. UNITED STATES

DECISION BELOW: 635 F.3d 889

LOWER COURT CASE NUMBER: 09-4056

QUESTION PRESENTED:

1. Did the Seventh Circuit violate this Court's precedent on harmless error when it focused its harmless error analysis solely on the weight of the untainted evidence without considering the potential effect of the error (the erroneous admission of trial counsel's statements that his client would lose the case and should plead guilty for their truth) on this jury at all?

2. Did the Seventh Circuit violate Mr. Vasquez's Sixth Amendment right to a jury trial by determining that Mr. Vasquez should have been convicted without considering the effects of the district court's error on the jury that heard the case?

DISMISSED AS IMPROVIDENTLY GRANTED.

CERT. GRANTED 11/28/2011