

Statement of STEVENS, J.

**SUPREME COURT OF THE UNITED STATES**

JUAN RANGEL-REYES

05–10706

*v.*

UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

MARK LEE SHUMAN

05–10743

*v.*

UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

ANTONIO BANEGAS-HERNANDEZ

05–10815

*v.*

UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED  
STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Nos. 05–10706, 05–10743 and 05–10815. Decided June 12, 2006

The petitions for writs of certiorari are denied.

Statement of JUSTICE STEVENS respecting the denial of the petitions for writ of certiorari.

While I continue to believe that *Almendarez-Torres v. United States*, 523 U. S. 224 (1998), was wrongly decided, that is not a sufficient reason for revisiting the issue. The denial of a jury trial on the narrow issues of fact concerning a defendant’s prior conviction history, unlike the denial of a jury trial on other issues of fact that give rise to mandatory minimum sentences, see *Harris v. United States*, 536 U. S. 545 (2002), will seldom create any significant risk of prejudice to the accused. Accordingly, there is

Statement of STEVENS, J.

no special justification for overruling *Almendarez-Torres*. Moreover, countless judges in countless cases have relied on *Almendarez-Torres* in making sentencing determinations. The doctrine of *stare decisis* provides a sufficient basis for the denial of certiorari in these cases.