

14-1095 MUSACCHIO V. UNITED STATES

DECISION BELOW: 590 Fed. Appx. 359

LOWER COURT CASE NUMBER: 13-11294

QUESTION PRESENTED:

1. Whether the law-of-the-case doctrine requires the sufficiency of the evidence in a criminal case to be measured against the elements described in the jury instructions where those instructions, without objection, require the government to prove additional or more stringent elements than do the statute and indictment?
2. Whether a statute-of-limitations defense not raised at or before trial is reviewable on appeal?

CERT. GRANTED 6/29/2015