

58 S.Ct. 1019
Supreme Court of the United States.

JOHNSON

v.

ZERBST, Warden, United States Penitentiary, Atlanta, Ga.

No. 699.

|

Argued April 4, 1938.

|

Decided May 23, 1938.

Synopsis

On Writ of Certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

Habeas corpus by John A. Johnson against Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Ga. Judgment denying habeas corpus was affirmed by the Circuit Court of Appeals, [92 F.2d 748](#), and the petitioner brings certiorari.

Reversed and remanded.

Mr. Justice McREYNOLDS and Mr. Justice BUTLER dissenting.

West Headnotes (14)

[1] [Criminal Law](#) ↗ Right of Defendant to Counsel

[110](#) Criminal Law

[110XXXI](#) Counsel

[110XXXI\(B\)](#) Right of Defendant to Counsel

[110XXXI\(B\)1](#) In General

[110k1710](#) In General

(Formerly [110k641.1](#), [110k641\(1\)](#))

Under the Sixth Amendment, the federal courts have no power or authority to deprive an accused of his life or liberty, unless he has or waives the assistance of counsel. [U.S.C.A.Const. Amend. 6](#).

[727](#) Cases that cite this headnote

[2] [Constitutional Law](#) ↗ Presumptions Regarding Estoppel or Waiver

[92](#) Constitutional Law

[92VI](#) Enforcement of Constitutional Provisions

[92VI\(B\)](#) Estoppel, Waiver, or Forfeiture

[92k950](#) Presumptions Regarding Estoppel or Waiver

(Formerly [92k43\(1\)](#))

The courts indulge every reasonable presumption against waiver of fundamental constitutional rights, and do not presume acquiescence in the loss of fundamental rights.

[1144 Cases that cite this headnote](#)

[3] Estoppel ↗ Nature and Application of Estoppel in Pais

[156 Estoppel](#)

[156III Equitable Estoppel](#)

[156III\(A\) Nature and Essentials in General](#)

[156k52 Nature and Application of Estoppel in Pais](#)

[156k52\(1\) In General](#)

(Formerly 156k52)

A “waiver” is ordinarily an intentional relinquishment or abandonment of a known right or privilege.

[2574 Cases that cite this headnote](#)

[4] Criminal Law ↗ Procedure and Affirmative Duties by Court in Protection of Right to Counsel and Right to Self-Representation

[110 Criminal Law](#)

[110XXXI Counsel](#)

[110XXXI\(B\) Right of Defendant to Counsel](#)

[110XXXI\(B\)5 Procedure and Affirmative Duties by Court in Protection of Right to Counsel and Right to Self-Representation](#)

[110k1770 In General](#)

(Formerly 110k641.9, 110k641(1))

While an accused may waive the right to counsel, whether there is a proper waiver should be clearly determined by the trial court, and it would be fitting and appropriate for that determination to appear on the record.

[1240 Cases that cite this headnote](#)

[5] Habeas Corpus ↗ Habeas Corpus as Substitute Remedy

[Habeas Corpus ↗ Errors or Irregularities; Prejudice](#)

[Habeas Corpus ↗ Deprivation of Fundamental or Constitutional Rights; Miscarriage of Justice](#)

[197 Habeas Corpus](#)

[197I In General](#)

[197I\(C\) Existence and Exhaustion of Other Remedies](#)

[197k287 Appeal, Error, or Other Direct Review](#)

[197k288 Habeas Corpus as Substitute Remedy](#)

(Formerly 197k4)

[197 Habeas Corpus](#)

[197II Grounds for Relief; Illegality of Restraint](#)

[197II\(A\) Ground and Nature of Restraint](#)

[197k442 Errors or Irregularities; Prejudice](#)

(Formerly 197k4)

[197 Habeas Corpus](#)

[197II Grounds for Relief; Illegality of Restraint](#)

[197II\(A\) Ground and Nature of Restraint](#)

[197k447 Deprivation of Fundamental or Constitutional Rights; Miscarriage of Justice](#)

(Formerly 197k4)

Habeas corpus cannot be used as a writ of error or as a means of reviewing errors of law and irregularities not involving the question of jurisdiction occurring during course of trial, but these principles must be

construed and applied so as to preserve and not destroy constitutional safeguards of human life and liberty.

[186 Cases that cite this headnote](#)

[6] **Habeas Corpus**  Jurisdictional Defects

Habeas Corpus  Personal Jurisdiction; Venue

[197 Habeas Corpus](#)

[197II Grounds for Relief; Illegality of Restraint](#)

[197II\(A\) Ground and Nature of Restraint](#)

[197k443 Jurisdictional Defects](#)

[197k443.1 In General](#)

(Formerly 197k443, 197k94)

[197 Habeas Corpus](#)

[197II Grounds for Relief; Illegality of Restraint](#)

[197II\(A\) Ground and Nature of Restraint](#)

[197k443 Jurisdictional Defects](#)

[197k444 Personal Jurisdiction; Venue](#)

(Formerly 197k94)

In a habeas corpus proceeding, the court has power to inquire with regard to the jurisdiction of the inferior court, either with respect to the subject matter or to the person, even if such inquiry involves an examination of facts outside of but not inconsistent with the record.

[14 Cases that cite this headnote](#)

[7] **Habeas Corpus**  Hearing

[197 Habeas Corpus](#)

[197III Jurisdiction, Proceedings, and Relief](#)

[197III\(C\) Proceedings](#)

[197III\(C\)3 Hearing](#)

[197k741 In General](#)

(Formerly 197k92(1))

Congress has expanded the rights of a petitioner for habeas corpus, and the effect is to substitute for the bare legal review that was the limit of judicial authority at common law a more searching investigation in which the applicant is put on his oath to set forth the truth of the matter respecting the causes of his detention, and the court, upon determining the actual fact, is to dispose of the party as law and justice require. [28 U.S.C.A. § 2241 et seq.](#)

[182 Cases that cite this headnote](#)

[8] **Habeas Corpus**  Counsel

Habeas Corpus  Inquiry, Advice, Warnings, and Assistance; Waiver

[197 Habeas Corpus](#)

[197I In General](#)

[197I\(C\) Existence and Exhaustion of Other Remedies](#)

[197k290 Appeal, Error, or Other Direct Review of Conviction](#)

[197k295 Counsel](#)

(Formerly 197k45.2(1), 197k45(3))

[197 Habeas Corpus](#)

[197II Grounds for Relief; Illegality of Restraint](#)

[197II\(B\)](#) Particular Defects and Authority for Detention in General

[197k482](#) Counsel

[197k484](#) Inquiry, Advice, Warnings, and Assistance; Waiver

(Formerly 197k45.2(1), 197k45(3))

One convicted and sentenced without assistance of counsel and who was ignorant of his right to counsel and ignorant of the proceedings to obtain a new trial or appeal and the time limits governing both, and who did not possess the requisite skill or knowledge properly to conduct an appeal, is entitled to relief by habeas corpus.

[125 Cases that cite this headnote](#)

[9] Habeas Corpus ➡ Inquiry, Advice, Warnings, and Assistance; Waiver

[197](#) Habeas Corpus

[197II](#) Grounds for Relief; Illegality of Restraint

[197II\(B\)](#) Particular Defects and Authority for Detention in General

[197k482](#) Counsel

[197k484](#) Inquiry, Advice, Warnings, and Assistance; Waiver

(Formerly 197k27)

If the accused is not represented by counsel and has not competently and intelligently waived his constitutional right, the jurisdiction of the court is lost, the judgment of conviction pronounced by the court is void, and release from imprisonment may be obtained by habeas corpus. [U.S.C.A.Const. Amend. 6.](#)

[2876 Cases that cite this headnote](#)

[10] Habeas Corpus 🔑 Hearing

[197](#) Habeas Corpus

[197III](#) Jurisdiction, Proceedings, and Relief

[197III\(C\)](#) Proceedings

[197III\(C\)3](#) Hearing

[197k741](#) In General

(Formerly 197k92(1))

A judge to whom a petition for habeas corpus is addressed should be alert to examine the facts for himself when, if true as alleged, they make the trial absolutely void.

[26 Cases that cite this headnote](#)

[11] Habeas Corpus 🔑 Validity and Regularity of Prior Proceedings

[197](#) Habeas Corpus

[197III](#) Jurisdiction, Proceedings, and Relief

[197III\(C\)](#) Proceedings

[197III\(C\)2](#) Evidence

[197k701](#) Presumptions

[197k702](#) Validity and Regularity of Prior Proceedings

(Formerly 197k22(1))

Judgments in criminal cases cannot be lightly set aside by collateral attack, even on habeas corpus.

[89 Cases that cite this headnote](#)

[12] Judgment ↗ Presumptions as to Superior or General Jurisdiction

[228 Judgment](#)

[228XI Collateral Attack](#)

[228XI\(B\) Grounds](#)

[228k488 Want of Jurisdiction](#)

[228k495 Presumptions as to Superior or General Jurisdiction](#)

[228k495\(1\) In General](#)

When collaterally attacked, a judgment of a court carries with it a presumption of regularity.

[97 Cases that cite this headnote](#)

[13] Habeas Corpus ↗ Counsel

[197 Habeas Corpus](#)

[197III Jurisdiction, Proceedings, and Relief](#)

[197III\(C\) Proceedings](#)

[197III\(C\)2 Evidence](#)

[197k705 Burden of Proof](#)

[197k709 Counsel](#)

(Formerly 197k85.2(2), 197k85(1))

Where a defendant without counsel acquiesces in trial resulting in his conviction and later seeks relief by habeas corpus, the burden of proof rests on him to establish that he did not competently and intelligently waive his constitutional right to the assistance of counsel.

[925 Cases that cite this headnote](#)

[14] Habeas Corpus ↗ Counsel

[197 Habeas Corpus](#)

[197III Jurisdiction, Proceedings, and Relief](#)

[197III\(D\) Review](#)

[197III\(D\)3 Determination and Disposition](#)

[197k862 Remand](#)

[197k864 Criminal Cases](#)

[197k864\(7\) Counsel](#)

(Formerly 197k113(13))

Where, in habeas corpus, it appears that the petitioner was convicted without having the assistance of counsel, but the District Court made no finding as to a waiver by the petitioner of the right to the assistance of counsel, the cause will be remanded.

[360 Cases that cite this headnote](#)

Attorneys and Law Firms

****1020 *458** Mr. Elbert P. Tuttle, of Atlanta, Ga., for petitioner.

Mr. Bates Booth, of Washington, D.C., for respondent.

Opinion

Mr. Justice BLACK delivered the opinion of the Court.

Petitioner, while imprisoned in a federal penitentiary, was denied habeas corpus by the District Court.¹ Later, *459 that court granted petitioner a second hearing, prompted by ‘the peculiar circumstances surrounding the case and the desire of the court to afford opportunity to present any additional facts and views which petitioner desired to present.’ Upon consideration of the second petition, the court found that it did ‘not substantially differ from the’ first, ‘and for the reasons stated in the decision in that case’ the second petition was also denied.

¹ [Bridwell v. Aderhold, 13 F.Supp. 253.](#)

Petitioner is serving sentence under a conviction in a United States District Court for possessing and uttering counterfeit **1021 money. It appears from the opinion of the District Judge denying habeas corpus that he believed petitioner was deprived, in the trial court, of his constitutional right under the provision of the Sixth Amendment, [U.S.C.A.Const.Amend. 6](#), that, ‘In all criminal prosecutions, the accused shall enjoy the right * * * to have the Assistance of Counsel for his defence.’² However, he held that proceedings depriving petitioner of his constitutional right to assistance of counsel were not sufficient ‘to make the trial void and justify its annulment in a habeas corpus proceeding, but that they constituted trial errors or irregularities which could only be corrected on appeal.’

² The Sixth Amendment of the Constitution provides that: ‘In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the Assistance of Counsel for his defence.’

The Court of Appeals affirmed³, and we granted certiorari due to the importance of the questions involved.⁴

³ [5 Cir., 92 F.2d 748.](#)

⁴ [303 U.S. 629, 58 S.Ct. 610, 82 L.Ed. 1089.](#)

The record discloses that:

Petitioner and one Bridwell were arrested in Charleston, S.C., November 21, 1934, charged with *460 feloniously uttering and passing four counterfeit twenty-dollar Federal Reserve notes and possessing twenty-one such notes. Both were then enlisted men in the United States Marine Corps, on leave. They were bound over to await action of the United States Grand Jury, but were kept in jail due to inability to give bail. January 21, 1935, they were indicted; January 23, 1935, they were taken to court and there first give notice of the indictment; immediately were arraigned, tried, convicted, and sentenced that day to four and one-half years in the penitentiary; and January 25, were transported to the Federal Penitentiary in Atlanta. While counsel had represented them in the preliminary hearings before the commissioner in which they—some two months before their trial—were bound over to the Grand Jury, the accused were unable to employ counsel for their trial. Upon arraignment, both pleaded not guilty, said that they had no lawyer, and—in response to an inquiry of the court—stated that they were ready for trial. They were then tried, convicted, and sentenced, without assistance of counsel.

‘Both petitioners lived in distant cities of other states and neither had relatives, friends, or acquaintances in Charleston. Both had little education and were without funds. They testified that they had never been guilty of nor charged with any offense before, and there was no evidence in rebuttal of these statements.’⁵ In the habeas corpus hearing, petitioner’s evidence developed that no request was directed to the trial judge to appoint counsel, but that

such request was made to the District Attorney, who replied that in the state of trial (South Carolina) the court did not appoint counsel unless the defendant was charged with a capital crime. The District Attorney denied that petitioner made request *461 to him for counsel or that he had indicated petitioner had no right to Counsel. The Assistant District Attorney testified that Bridwell ‘cross examined the witnesses;’ and, in his opinion, displayed more knowledge of procedure than the normal layman would possess. He did not recall whether Bridwell addressed the jury or not, but the clerk of the trial court testified ‘that Mr. Johnson (Bridwell?) conducted his defense about as well as the average layman usually does in cases of a similar nature.’ Concerning what he said to the jury and his cross-examination of witnesses, Bridwell testified: ‘I tried to speak to the jury after the evidence was in during my trial over in the Eastern District of South Carolina. I told the jury, ‘I don’t consider myself a hoodlum as the District Attorney has made me out several times.’ I told the jury that I was not a native of New York as the District Attorney stated, but was from Mississippi and only stationed for government service in New York. I only said fifteen or twenty words. I said I didn’t think I was a hoodlum and could not have been one of very long standing because they didn’t keep them in the Marine Corps.

5 Opinion of the District Judge, [Bridwell v. Aderhold, D.C., 13 F.Supp. 253, 254.](#)

‘I objected to one witness’ testimony. I ***1022 didn’t ask him any questions, I only objected to his whole testimony. After the prosecuting attorney was finished with the witness, he said, ‘Your witness,’ and I got up and objected to the testimony on the grounds that it was all false, and the Trial Judge said any objection I had I would have to bring proof or disproof.’

Reviewing the evidence on the petition for habeas corpus, the District Court said⁶ that, after trial, petitioner and Johnson *** were remanded to jail, where they asked the jailer to call a lawyer for them, but were not permitted to contact one. They did not, however, undertake to get any message to the judge.

6 [Bridwell v. Aderhold, 13 F.Supp. 253, 254.](#)

*462 *** January 25th, they were transported by automobile to the Federal Penitentiary in Atlanta, Ga., arriving *** the same day.

‘There, as is the custom, they were placed in isolation and so kept for sixteen days without being permitted to communicate with any one except the officers of the institution, but they did see the officers daily. They were no request of the officers to be permitted to see a lawyer, nor did they ask the officers to present to the trial judge a motion for new trial or application for appeal or notice that they desired to move for a new trial or to take an appeal.

‘On May 15, 1935, petitioners filed applications for appeal which were denied because filed too late.’

The *** time for filing a motion for new trial and for taking an appeal has been limited to three and five days.⁷

7 [Bridwell v. Aderhold, D.C., 13 F.Supp. at page 256;](#) see Rules of Practice and Procedure (Criminal Appeals Rules), adopted May 7, 1934, II, III, 28 U.S.C.A. following section 723a.

[1] One. The Sixth Amendment guarantees that: ‘In all criminal prosecutions, the accused shall enjoy the right *** to have the Assistance of Counsel for his defence.’ This is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty. Omitted from the Constitution as originally adopted, provisions of this and other Amendments were submitted by the first Congress convened under that Constitution as essential barriers against arbitrary or unjust deprivation of human rights. The Sixth Amendment stands as a constant admonition that if the constitutional safeguards it provides be lost, justice will not ‘still be done.’⁸ It embodies a realistic recognition of the obvious truth that the average defendant does not have the professional legal skill to protect *463 himself when brought before a tribunal with power to take his life or liberty, wherein the prosecution is presented by experienced and learned counsel. That which is simple, orderly, and necessary to the lawyer-to the untrained layman-may appear intricate, complex, and mysterious. Consistently

with the wise policy of the Sixth Amendment and other parts of our fundamental charter, this Court has pointed to ‘* * * the humane policy of the modern criminal law * * *’ which now provides that a defendant ‘* * * if he be poor, * * * may have counsel furnished him by the state, * * * not infrequently * * * more able than the attorney for the state.’⁹

8 Cf. *Palko v. Connecticut*, 302 U.S. 319, 325, 58 S.Ct. 149, 152, 82 L.Ed. 288.

9 *Patton v. United States*, 281 U.S. 276, 308, 50 S.Ct. 253, 261, 74 L.Ed. 854, 70 A.L.R. 263.

The ‘* * * right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defence, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him.’¹⁰ The Sixth Amendment withholds from federal courts,¹¹ in all criminal proceedings, the power and authority **1023 to deprive an accused of his life or liberty unless he has or waives the assistance of counsel.

10 *Powell v. Alabama*, 287 U.S. 45, 68, 69, 53 S.Ct. 55, 63, 64, 77 L.Ed. 158, 84 A.L.R. 527.

11 Cf., *Barron v. The Mayor, etc., of Baltimore*, 7 Pet. 243, 247, 8 L.Ed. 672; *Edwards v. Elliott*, 21 Wall. 532, 557, 22 L.Ed. 487.

*464 [2] [3] Two. There is insistence here that petitioner waived this constitutional right. The District Court did not so find. It has been pointed out that ‘courts indulge every reasonable presumption against waiver’ of fundamental constitutional rights¹² and that we ‘do not presume acquiescence in the loss of fundamental rights.’¹³ A waiver is ordinarily an intentional relinquishment or abandonment of a known right or privilege. The determination of whether there has been an intelligent waiver of right to counsel must depend, in each case, upon the particular facts and circumstances surrounding that case, including the background, experience, and conduct of the accused.

12 *Aetna Insurance Co. v. Kennedy*, 301 U.S. 389, 393, 57 S.Ct. 809, 811, 812, 81 L.Ed. 1177; *Hodges v. Easton*, 106 U.S. 408, 412, 1 S.Ct. 307, 27 L.Ed. 169.

13 *Ohio Bell Telephone Co. v. Public Utilities Commission*, 301 U.S. 292, 307, 57 S.Ct. 724, 731, 81 L.Ed. 1093.

Patton v. United States, 281 U.S. 276, 50 S.Ct. 253, 74 L.Ed. 854, 70 A.L.R. 263, decided that an accused may, under certain circumstances, consent to a jury of eleven and waive the right to trial and verdict by a constitutional jury of twelve men. The question of waiver was there considered on direct appeal from the conviction, and not by collateral attack on habeas corpus. However, that decision may be helpful in indicating how, and in that manner, an accused may-before his trial results in final judgment and conviction-waive the right to assistance of counsel. The Patton Case noted approvingly a state court decision¹⁴ pointing out that the humane policy of modern criminal law had altered conditions which had existed in the ‘days when the accused could not testify in his own behalf, (and) was not furnished counsel,’ and which had made it possible to convict a man when he was ‘without money, without counsel, without ability to summon witnesses, and not permitted to tell his own story * * *.?’

14 *Hack v. State*, 141 Wis. 346, 351, 124 N.W. 492, 45 L.R.A., N.S., 664.

*465 [4] The constitutional right of an accused to be represented by counsel invokes, of itself, the protection of a trial court, in which the accused-whose life or liberty is at stake-is without counsel. This protecting duty

imposes the serious and weighty responsibility upon the trial judge of determining whether there is an intelligent and competent waiver by the accused. While an accused may waive the right to counsel, whether there is a proper waiver should be clearly determined by the trial court, and it would be fitting and appropriate for that determination to appear upon the record.

Three. The District Court, holding petitioner could not obtain relief by habeas corpus, said: 'It is unfortunate, if petitioners lost their right to a new trial through their ignorance or negligence, but such misfortune cannot give this court jurisdiction in a habeas corpus case to review and correct the errors complained of.'

[5] [6] [7] The purpose of the constitutional guaranty of a right to counsel is to protect an accused from conviction resulting from his own ignorance of his legal and constitutional rights, and the guaranty would be nullified by a determination that an accused's ignorant failure to claim his rights removes the protection of the Constitution. True, habeas corpus cannot be used as a means of reviewing errors of law and irregularities-not involving the question of jurisdiction-occurring during the course of trial,¹⁵ and the 'writ of habeas corpus cannot be used as a writ of error.'¹⁶ These principles, however, must be construed and applied so as to preserve-not destroy-constitutional safeguards of human life and liberty. The scope of inquiry in habeas corpus proceedings has been broadened-not narrowed-since the adoption of the Sixth *466 Amendment. In such a proceeding, 'it would be clearly erroneous to confine the inquiry to the proceedings and judgment of the trial court'¹⁷ and the petitioned court has 'power to inquire with regard to the jurisdiction of the inferior court, either in respect to the subject-matter or to the person, even if such **1024 inquiry (involves) an examination of facts outside of, but not inconsistent with, the record.'¹⁸ Congress has expanded the rights of a petitioner for habeas corpus¹⁹ and the *** effect is to substitute for the bare legal review that seems to have been the limit of judicial authority under the common-law practice, and under the act of 31 Car. II, chap. 2, a more searching investigation, in which the applicant is put upon his oath to set forth the truth of the matter respecting the causes of his detention, and the court, upon determining the actual facts, is to 'dispose of the party as law and justice require.'

¹⁵ Cf., Ex parte Watkins, 3 Pet. 193, 7 L.Ed. 650; Knewal v. Egan, 268 U.S. 442, 45 S.Ct. 522, 69 L.Ed. 1036; Harlan v. McGourin, 218 U.S. 442, 31 S.Ct. 44, 54 L.Ed. 1101, 21 Ann.Cas. 849.

¹⁶ Woolsey v. Best, 299 U.S. 1, 2, 57 S.Ct. 2, 81 L.Ed. 3.

¹⁷ Frank v. Mangum, 237 U.S. 309, 327, 35 S.Ct. 582, 587, 59 L.Ed. 969.

¹⁸ In re Mayfield, 141 U.S. 107, 116, 11 S.Ct. 939, 941, 35 L.Ed. 635; In re Cuddy, Petitioner, 131 U.S. 280, 9 S.Ct. 703, 33 L.Ed. 154.

¹⁹ 28 U.S.C., ch. 14, s 451 et seq., 28 U.S.C.A. s 451 et seq.

'There being no doubt of the authority of the Congress to thus liberalize the common-law procedure on habeas corpus in order to safeguard the liberty of all persons within the jurisdiction of the United States against infringement through any violation of the Constitution or a law or treaty established thereunder, it results that under the sections cited a prisoner in custody pursuant to the final judgment of a state court of criminal jurisdiction may have a judicial inquiry in a court of the United States into the very truth and substance of the causes of his detention, although it may become necessary to look behind and beyond the record of his conviction to a sufficient extent to test the jurisdiction of the state court to proceed to judgment against him. ***'

*467 *** it is open to the courts of the United States, upon an application for a writ of habeas corpus, to look beyond forms and inquiry into the very substance of the matter ***.²⁰

20 Frank v. Mangum, *supra*, pages 330, 331, 35 S.Ct. page 588, cf., *Moore v. Dempsey*, 261 U.S. 86, 43 S.Ct. 265, 67 L.Ed. 543; *Mooney v. Holohan*, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791, 98 A.L.R. 406; *Ex parte Hans Nielson*, Petitioner, 131 U.S. 176, 9 S.Ct. 672, 33 L.Ed. 118.

[8] Petitioner, convicted and sentenced without the assistance of counsel, contends that he was ignorant of his right to counsel, and incapable of preserving his legal and constitutional rights during trial. Urging that-after conviction-he was unable to obtain a lawyer; was ignorant of the proceedings to obtain new trial or appeal and the time limits governing both; and that he did not possess the requisite skill or knowledge properly to conduct an appeal, he says that it was-as a practical matter-impossible for him to obtain relief by appeal. If these contentions be true in fact, it necessarily follows that no legal procedural remedy is available to grant relief for a violation of constitutional rights, unless the courts protect petitioner's rights by habeas corpus. Of the contention that the law provides no effective remedy for such a deprivation of rights affecting life and liberty it may well be said-as in *Mooney v. Holohan*, 294 U.S. 103, 113, 55 S.Ct. 340, 342, 79 L.Ed. 791, 98 A.L.R. 406-that it 'falls with the premise.' To deprive a citizen of his only effective remedy would not only be contrary to the 'rudimentary demands of justice'²¹ but destructive of a constitutional guaranty specifically designed to prevent injustice.

21 Cf. *Mooney v. Holohan*, *supra*, page 112, 55 S.Ct. page 342.

[9] [10] Since the Sixth Amendment constitutionally entitles one charged with crime to the assistance of counsel, compliance with this constitutional mandate is an essential jurisdictional prerequisite to a federal court's authority to deprive an accused of his life or liberty. When this *468 right is properly waived, the assistance of counsel is no longer a necessary element of the court's jurisdiction to proceed to conviction and sentence. If the accused, however, is not represented by counsel and has not competently and intelligently waived his constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty. A court's jurisdiction at the hearing of trial may be lost 'in the course of the proceedings' due to failure to complete the court-as the Sixth Amendment requires-by providing counsel for an accused who is unable to obtain counsel, who has not intelligently waived this constitutional guaranty, and whose life or liberty is at stake.²² If this requirement of the Sixth Amendment is not complied with, the court no longer has jurisdiction **1025 to proceed. The judgment of conviction pronounced by a court without jurisdiction is void, and one imprisoned thereunder may obtain release by habeas corpus.²³ A judge of the United States-to whom a petition for habeas corpus is addressed-should be alert to examine 'the facts for himself when if true as alleged they make the trial absolutely void.'²⁴

22 Cf. *Frank v. Mangum*, *supra*, page 327, 35 S.Ct. 582.

23 *Ex parte Hans Neilsen*, Petitioner, *supra*.

24 Cf. *Moore v. Dempsey*, 261 U.S. 86, 92, 43 S.Ct. 265, 267, 67 L.Ed. 543; *Patton v. United States*, 281 U.S. 276, 312, 313, 50 S.Ct. 253, 74 L.Ed. 854, 70 A.L.R. 263.

[11] [12] [13] It must be remembered, however, that a judgment cannot be lightly set aside by collateral attack, even on habeas corpus. When collaterally attacked, the judgment of a court carries with it a presumption of regularity.²⁵ Where a defendant, without counsel, acquiesces in a trial resulting in his conviction and later seeks release by the extraordinary remedy of habeas corpus, the burden of proof rests upon him to establish that he did not competently and intelligently waive his constitutional *469 right to assistance of Counsel. If in a habeas corpus hearing, he does meet this burden and convinces the court by a preponderance of evidence that he neither had counsel nor properly waived his constitutional right to counsel, it is the duty of the court to grant the writ.

25 In re Cuddy, Petitioner, *supra*.

[14] In this case, petitioner was convicted without enjoying the assistance of counsel. Believing habeas corpus was not an available remedy, the District Court below made no findings as to waiver by petitioner. In this state of the record we deem it necessary to remand the cause. If-on remand-the District Court finds from all of the evidence that petitioner has sustained the burden of proof resting upon him and that he did not competently and intelligently waive his right to counsel, it will follow that the trial court did not have jurisdiction to proceed to judgment and conviction of petitioner, and he will therefore be entitled to have his petition granted. If petitioner fails to sustain this burden, he is not entitled to the writ.

The cause is reversed and remanded to the District Court for action in harmony with this opinion.

Reversed.

Mr. Justice REED concurs in the reversal.

Mr. Justice McREYNOLDS is of opinion that the judgment of the court below should be affirmed.

Mr. Justice BUTLER is of the opinion that the record shows that petitioner waived the right to have counsel, that the trial court had jurisdiction, and that the judgment of the Circuit Court of Appeals should be affirmed.

Mr. Justice CARDOZO took no part in the consideration or decision of this case.

All Citations

304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461, 146 A.L.R. 357

Filings (2)

Title	PDF	Court	Date	Type
1. Brief for Petitioner Johnson v. Zerbst 1999 WL 34591024		U.S.	Mar. 03, 1999	Brief
2. Brief for the United States Johnson v. Zerbst 1938 WL 63891		U.S.	Mar 1938	Brief

Negative Treatment

Negative Citing References (134)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Recognized by	1. Self v. Collins 	Sep. 22, 1992	Case	   	—
	973 F.2d 1198 , 5th Cir.(Tex.) After his conviction for murder was affirmed by the Texas Court of Criminal Appeals, 513 S.W.2d 832, state prisoner sought habeas corpus. The United States District Court for the...				
Overruling Recognized by	2. U.S. v. Stenzel 	Mar. 03, 1995	Case	   	 9 S.Ct.
	49 F.3d 658 , 10th Cir.(N.M.) Defendant was convicted in the United States District Court for the District of New Mexico, Juan G. Burciaga, J., under Assimilative Crimes Act for concealing his identity,...				
Overruling Recognized by	3. Wilkins v. Bowersox 	June 08, 1998	Case	   	 9 S.Ct.
	145 F.3d 1006 , 8th Cir.(Mo.) Following affirmance of murder conviction and death sentence, 736 S.W.2d 409, defendant petitioned for habeas corpus. Following conditional grant of relief on one ground, 886...				
Overruling Recognized by	4. Massie v. U.S. 	Jan. 29, 1999	Case	   	 3 S.Ct.
	166 F.3d 1184 , Fed.Cir. Mother and next friend of minor who suffered injuries during her birth at naval hospital sued United States for breach of agreement to pay claim arising under Military Claims Act...				
Overruling Recognized by	5. U.S. v. Leon-Delfis 	Feb. 16, 2000	Case	   	 1 S.Ct.
	203 F.3d 103 , 1st Cir.(Puerto Rico) CRIMINAL JUSTICE - Counsel. Defendant did not waive right of counsel with respect to post-polygraph test questioning.				
Overruling Recognized by	6. U.S. v. Russell 	Mar. 01, 2000	Case	   	 2  9 S.Ct.
	205 F.3d 768 , 5th Cir.(Tex.) CRIMINAL JUSTICE - Counsel. Defense counsel was absent in critical stage of trial, requiring presumption of prejudice.				
Overruling Recognized by	7. State v. Hayes	Aug. 28, 2001	Case	   	 9 S.Ct.
	783 A.2d 957 , Vt. CRIMINAL JUSTICE - Sentencing. Defendant could not raise for first time on appeal challenge to sentencing court's refusal to grant immunity.				
Overruling Recognized by	8. Shafer v. Bowersox 	May 27, 2003	Case	   	 2 S.Ct.
	329 F.3d 637 , 8th Cir.(Mo.)				

Treatment	Title	Date	Type	Depth	Headnote(s)
	CRIMINAL JUSTICE - Counsel. Defendant's waiver of counsel in capital murder case was not shown to be valid.				
Overruling Recognized by	9. Smith v. State 2004 WL 957751 , Tex.App.-Dallas CRIMINAL JUSTICE - Trial. Defendant knowingly and intelligently waived his right to counsel.	May 05, 2004	Case		4 9 S.Ct.
Overruling Recognized by	10. Smith v. State 2004 WL 1089206 , Tex.App.-Dallas CRIMINAL JUSTICE - Counsel. Defendant knowingly and intelligently waived his right to assistance of counsel.	May 17, 2004	Case		4 9 S.Ct.
Overruling Recognized by	11. Wappler v. State 138 S.W.3d 331 , Tex.Crim.App. CRIMINAL JUSTICE - Jury. Appellate review of time limit on voir dire was not waived.	June 30, 2004	Case		—
Overruling Recognized by	12. Everett J. Prescott, Inc. v. Ross 390 F.Supp.2d 44 , D.Me. LABOR AND EMPLOYMENT - Contracts. Employer's waiver of noncompete agreement was limited.	Oct. 05, 2005	Case		3 S.Ct.
Overruling Recognized by	13. Lucero v. Kennard	Nov. 15, 2005	Case		11 12 S.Ct.
Overruling Recognized by	14. Stringer v. State 196 S.W.3d 249 , Tex.App.-Fort Worth CRIMINAL JUSTICE - Confrontation. Defendant who pleaded guilty validly waived his Sixth Amendment right to confront and cross examine witnesses at sentencing.	May 04, 2006	Case		9 S.Ct.
Overruling Recognized by	15. State v. Anderson 717 N.W.2d 74 , Wis. CRIMINAL JUSTICE - Trial. Unobjected-to ex parte communication with jury during deliberations was subject to direct review on appeal.	June 29, 2006	Case		—
Overruling Recognized by	16. State v. Jones	July 18, 2006	Case		9 S.Ct.
Overruling Recognized by	17. People v. Costa 2007 WL 521389 , Cal.App. 6 Dist. Defendant Michael Scott Costa appeals from a judgment entered following his entry of pleas of nolo contendere and his admission of enhancement allegations. In consolidated...	Feb. 21, 2007	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Recognized by	18. Order State of Minnesota, Plaintiff, v. Larry Edwin CRAIG, Defendant. 2007 WL 2892651 , Minn.Dist.Ct. The above-entitled matter came before Judge Charles A. Porter, Jr. on September 26, 2007 for a hearing on Defendant's Motion to Withdraw Plea. Christopher P. Renz, Esq. and Ryan...	Oct. 04, 2007	Trial Court Order		3 S.Ct.
Overruling Recognized by	19. Stringer v. State 241 S.W.3d 52 , Tex.Crim.App. CRIMINAL JUSTICE - Confrontation. Defendant's written waiver of his right to confront and cross-examine witnesses applied only to guilt stage, not sentencing.	Nov. 07, 2007	Case		5 S.Ct.
Overruling Recognized by	20. State v. Westfall 2008 WL 2855030 , Del.Com.PI. In this case the defendant, Patricia A. Westfall, is charged with animal cruelty in violation of 11 Del C. § 1325(b)(2) and she has filed a motion to suppress evidence on the...	Apr. 22, 2008	Case		9 S.Ct.
Overruling Recognized by	21. State v. Taylor 2009 WL 1424107 , Ohio App. 8 Dist. {¶ 1} Defendant-appellant, William Taylor ("appellant"), appeals the trial court's acceptance of his no contest plea. For the reasons provided below, we reverse and remand. {¶ 2}...	May 21, 2009	Case		7 S.Ct.
Overruling Recognized by	22. State v. Collins 2010 WL 273962 , Minn.App. CRIMINAL JUSTICE - Counsel. The record reflected that defendant's waiver of counsel was valid despite trial court's failure to follow proper procedure in administering the waiver.	Jan. 26, 2010	Case		9 S.Ct.
Overruling Recognized by	23. U.S. v. Rivera-Baltazar 2010 WL 4977637 , D.Ariz. Pending before the Court is Defendant Alvarez' Motion To Suppress Statement (Doc. 32). Defendant Ramirez filed a Motion For Joinder In Motion To Suppress Statements (Doc. 39). The...	Nov. 02, 2010	Case		9 S.Ct.
Overruling Recognized by	24. Hibshman v. Hibshman 710 S.E.2d 438 , N.C.App. FAMILY LAW - Child Custody. Trial court erred when it failed to determine whether a substantial change of circumstances occurred prior to modifying child custody.	May 17, 2011	Case		—
Overruling Recognized by	25. People ex rel. Davis v. Warden, Anna M. Kross Center New York State Div. of Parole 929 N.Y.S.2d 201 , N.Y.Sup. Petitioner Allen Davis seeks a writ of habeas corpus contending that his parole was revoked in violation of New York law. Petitioner contends that he never waived his right to have...	May 24, 2011	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Recognized by	26. State v. Gonzalez 2011 WL 2306828 , N.J.Super.A.D. Defendant, Anyoli R. Gonzalez, was jointly charged in a Passaic County indictment with his co-defendant, Giovanny Gonzalez (Giovanny), with various offenses, including the murder...	May 26, 2011	Case		2 S.Ct.
Overruling Recognized by	27. State v. Rhoads 802 N.W.2d 794 , Minn.App. CRIMINAL JUSTICE - Counsel. Defendant was not prejudiced by trial court's failure to secure additional waiver of counsel upon State's amendment of complaint.	Aug. 01, 2011	Case		4 S.Ct.
Overruling Recognized by	28. People v. Brooks 809 N.W.2d 644	Aug. 16, 2011	Other	—	—
Overruling Recognized by	29. People v. Graham-King 2011 WL 4469530 , Mich.App. Defendant was found guilty by a jury of second-degree home invasion, MCL 750.110a(3), and larceny in a building, MCL 750.360. The trial court sentenced him as a fourth habitual...	Sep. 27, 2011	Case		2 S.Ct.
Overruling Recognized by	30. Chandler v. Epps 2012 WL 1033650 , S.D.Miss. Petitioner Marcus Chandler was convicted of murder in the Circuit Court of Hinds County, Mississippi. He was sentenced to life in prison in the custody of the Mississippi...	Feb. 24, 2012	Case		9 13 S.Ct.
Overruling Recognized by	31. Com. v. Hill 42 A.3d 1085 , Pa.Super. CRIMINAL JUSTICE - Counsel. Waiver of Miranda rights for a polygraph test did not waive the right to counsel for a post-polygraph interrogation.	Mar. 01, 2012	Case		2 S.Ct.
Overruling Recognized by	32. State v. White 2012 WL 1857020 , Wash.App. Div. 2 Leeanna White appeals her conviction of assault in violation of a protection order. White argues that the trial court violated her constitutional rights to confront the witnesses...	May 22, 2012	Case		3 S.Ct.
Overruling Recognized by	33. McCann v. W.C. Pitts Const. Co., Inc. 2012 WL 3756608 , S.D.Miss. This wage-and-hour dispute is before the Court on Defendants' Motion to Dismiss [37], originally asserted as an ore tenus motion at the close of Plaintiffs' evidence in a two-day...	Aug. 28, 2012	Case		3 S.Ct.
Overruling Recognized by	34. Com. v. Cohen 53 A.3d 882 , Pa.Super. CRIMINAL JUSTICE - Confessions. Defendant manifested sufficient understanding of Miranda rights to waive such rights despite not signing Miranda form.	Sep. 11, 2012	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Recognized by	35. Watkins v. Lafler	Mar. 21, 2013	Case		9 S.Ct.
	517 Fed.Appx. 488 , 6th Cir.(Mich.) CRIMINAL JUSTICE - Counsel. Trial counsel was not ineffective in encouraging defendant to plead guilty to open murder rather than go before jury.				
Overruling Recognized by	36. U.S. v. Jones	Sep. 03, 2013	Case		4 S.Ct.
	2013 WL 4736379 , D.S.C. Defendant, proceeding pro se, seeks relief in this court pursuant to 28 U.S.C. § 2255. Defendant raises five (5) Grounds for Relief. The Government filed a motion for summary...				
Overruling Recognized by	37. Com. v. Kunkle	Nov. 06, 2013	Case		2 S.Ct.
	79 A.3d 1173 , Pa.Super. CRIMINAL JUSTICE - Evidence. Victim's statement that he feared defendant was admissible at murder trial under state of mind hearsay exception.				
Overruling Recognized by	38. State v. Cates	Jan. 21, 2014	Case		3 S.Ct.
	2014 WL 231550 , Wash.App. Div. 1 Michael Shane Cates appeals his convictions for two counts of first degree child rape and two counts of child molestation. He contends (1) the court violated his Sixth Amendment...				
Overruling Recognized by	39. Endo Pharmaceuticals Inc. v. Mylan Pharmaceuticals Inc.	Jan. 28, 2014	Case		3 S.Ct.
	2014 WL 334178 , D.Del. This is an action for patent infringement brought by Plaintiff Endo Pharmaceuticals Inc. ("Endo" or "Plaintiff") against Defendants Mylan Pharmaceuticals Inc. and Mylan, Inc....				
Overruling Recognized by	40. Jones v. U-Haul Co. of Massachusetts and Ohio Inc.	Apr. 23, 2014	Case		—
	16 F.Supp.3d 922 , S.D.Ohio LABOR AND EMPLOYMENT - Jury. Employee knowingly and voluntarily waived right to pursue employment discrimination claims against employer in trial by jury				
Overruling Recognized by	41. State v. Veta	June 30, 2014	Case		9 S.Ct.
	2014 WL 2993842 , Ariz.App. Div. 2 ¶ 1 Jeffrey Veta seeks review of the trial court's order summarily denying his successive petition for post-conviction relief. We will not disturb that ruling unless the court...				
Overruling Recognized by	42. United States v. Wright	Aug. 12, 2014	Case		11 12 S.Ct.
	63 F.Supp.3d 109 , D.D.C. CRIMINAL JUSTICE - Searches and Seizures. Police officers' warrantless search of apartment pursuant to defendant's mother's consent was valid.#				
Overruling Recognized by	43. State v. Orival	Oct. 17, 2014	Case		2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
	2014 WL 5285595 , N.J.Super.A.D. By leave granted, the State appeals from two February 4, 2013 Law Division orders, which granted defendant Marc Orival's motions to suppress a statement defendant made to police...				
Overruling Recognized by	44. State v. Rivera	Feb. 02, 2016	Case		3 4 S.Ct.
	2016 WL 389490 , Ariz.App. Div. 2 ¶ 1 Appellant Agustin Soto Rivera was convicted on multiple charges arising from a home invasion. He contends the trial court committed error by allowing him to be tried in...				
Overruling Recognized by	45. Dorego v. Secretary of Health and Human Services	Apr. 04, 2016	Case		3 S.Ct.
	2016 WL 1635826 , Fed.Cl. After successfully prosecuting her claim for compensation in the Vaccine Program, Arlene Dorego filed an application for attorneys' fees and costs. The Secretary did not interpose...				
Overruling Recognized by	46. Schnaudt v. Johncol, Inc.	Sep. 27, 2016	Case		—
	2016 WL 5394195 , S.D.Ohio Plaintiffs Jennafer Schnaudt, Hamdi Hassan and Nicholas Mooney bring this putative collective action under the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. Plaintiffs are...				
Overruling Recognized by	47. Hudson v. BAH Shoney's Corporation	Apr. 11, 2017	Case		—
	263 F.Supp.3d 661 , M.D.Tenn. LABOR AND EMPLOYMENT - Arbitration. Restaurant employee's waiver of right to jury trial was not knowing and voluntary.				
Overruling Recognized by	48. United States v. Verrusio	Apr. 21, 2017	Case		11 12 S.Ct.
	2017 WL 1437055 , D.D.C. In 2011, the defendant, Fraser Verrusio, the former policy director of the House Transportation Committee, was convicted on three counts relating to his receipt of gifts from Jack...				
Overruling Recognized by	49. Rogers v. Commonwealth	July 28, 2017	Case		4 S.Ct.
	2017 WL 3498756 , Ky.App. Appellant, Charlie Rogers, Jr., appeals from an order of the Clark Circuit Court denying his motion to withdraw his guilty plea. Finding no error, we affirm. On November 14, 2014,...				
Overruling Recognized by	50. Cottrell v. Commonwealth	July 28, 2017	Case		4 S.Ct.
	2017 WL 3498775 , Ky.App. Appellant, Ellevina Cottrell, appeals from an order of the Harlan Circuit Court denying her motion to withdraw her guilty plea. Finding no error, we affirm. In 2015, Appellant was...				
Overruling Recognized by	51. State v. Champion	May 18, 2018	Case		13 S.Ct.
	2018 WL 2278176 , Tenn.Crim.App.				

Treatment	Title	Date	Type	Depth	Headnote(s)
	A Coffee County jury convicted the Defendant, Nathaniel Morton Champion, of possession of contraband in a penal institution, a Class C felony, for which the trial court imposed an...				
Overruling Recognized by	52. Bradlin v. Thomas   MOST NEGATIVE 823 Fed.Appx. 648 , 10th Cir.(Kan.) CRIMINAL JUSTICE — Parole. Deferral of parole revocation hearing until after expiration of prisoner's state sentence did not violate due process.	Aug. 13, 2020	Case	  	 1 S.Ct.
Overruling Recognized by	53. In re Concepts America, Inc. 621 B.R. 848 , Bkrtcy.N.D.Ill. BANKRUPTCY — Claims. Judgment creditor waived its secured claim by voting for Chapter 7 trustee.	Oct. 22, 2020	Case	  	 3 S.Ct.
Abrogation Recognized by	 54. People v. Alvarado  644 N.E.2d 783 , Ill.App. 4 Dist. Search. Request for consent to search does not violate defendant's right against self-incrimination.	Dec. 15, 1994	Case	  	 2 S.Ct.
Abrogation Recognized by	 55. Ex parte Graves 70 S.W.3d 103 , Tex.Crim.App. CRIMINAL JUSTICE - Habeas Corpus. Competency of prior habeas counsel was not a cognizable issue on habeas corpus review.	Jan. 02, 2002	Case	  	 5 S.Ct.
Abrogation Recognized by	56. Solano v. State  32 So.3d 648 , Fla.App. 1 Dist. CRIMINAL JUSTICE - Counsel. Defendant's 30-year-old convictions were not void, even if obtained in violation of defendant's right to counsel.	Feb. 18, 2010	Case	  	 9 S.Ct.
Abrogation Recognized by	57. Shatat v. U.S.  2012 WL 640698 , S.D.Fla. THIS CAUSE is before the Court on Petitioner Fatima Shatat's pro se Motion to Vacate, Set Aside, or Correct Sentence, brought pursuant to 28 U.S.C. § 2255. (D.E.1.) THE COURT has...	Feb. 27, 2012	Case	  	 11 S.Ct.
Declined to Extend by	 58. Gonzalez v. State  8 S.W.3d 640 , Tex.Crim.App. CRIMINAL JUSTICE - Double Jeopardy. Defendant waived Fifth Amendment "multiple punishments" claim.	Jan. 05, 2000	Case	  	 2  3  9 S.Ct.
Declined to Extend by	59. U.S. v. Corral 58 Fed.Appx. 271 , 9th Cir.(Cal.) CRIMINAL JUSTICE - Sentencing. Inconsistencies in testimony at resentencing hearing did not violate due process.	Jan. 23, 2003	Case	  	 9  13 S.Ct.
Declined to Extend by	 60. Harold Sampson Children's Trust v. Linda Gale Sampson 1979 Trust  667 N.W.2d 831 , Wis.App.	June 10, 2003	Case	  	 3  4  9 S.Ct.

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	LEGAL SERVICES - Privileges. Counsel who wrongly concluded documents were not privileged waived attorney-client privilege on behalf of clients.				
Declined to Extend by	61. Cox v. Del Papa	Sep. 04, 2008	Case		8 9 13 S.Ct.
	542 F.3d 669 , 9th Cir.(Nev.) CRIMINAL JUSTICE - Habeas Corpus. Court was not required to sua sponte examine defendant's Miranda waiver once his competency to stand trial was raised.				
Declined to Extend by	62. Englewood Terrace Ltd. Partnership v. U.S.	Apr. 07, 2009	Case		14 S.Ct.
	86 Fed.Cl. 720 , Fed.Cl. REAL PROPERTY - Subsidized Housing. Property owner waived claim for subsidized housing rent increase by belatedly raising claim.				
Declined to Extend by	63. Bayo v. Napolitano	Jan. 20, 2010	Case		2 5 S.Ct.
	593 F.3d 495 , 7th Cir. IMMIGRATION - Visas. Alien who stole passport could be held to terms of Visa Waiver Program even though he was from non-VWP country.				
Declined to Extend by	64. Vera v. Attorney General of U.S.	Mar. 01, 2012	Case		2 S.Ct.
	672 F.3d 187 , 3rd Cir. IMMIGRATION - Deportation or Removal. Alien was not substantially prejudiced by summary removal without hearing.				
Declined to Extend by	65. Hill v. Curtin	July 09, 2015	Case		4 S.Ct.
	792 F.3d 670 , 6th Cir.(Mich.) CRIMINAL JUSTICE - Habeas Corpus. Denial of Faretta-compliant hearing regarding untimely request for self-representation did not warrant habeas relief.				
Declined to Extend by	66. United States v. Gillenwater	June 01, 2017	Case		9 14 S.Ct.
	2017 WL 2385331 , E.D.Wash. BEFORE THE COURT is Petitioner's pro se Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 361). This matter arises from the conviction by jury...				
Declined to Extend by	67. Garcia v. Lumpkin	Aug. 20, 2020	Case		—
	824 Fed.Appx. 252 , 5th Cir.(Tex.) CRIMINAL JUSTICE — Habeas Corpus. Texas Court of Criminal Appeals' determination that defendant consented to waiver of interpreter his lawyer communicated was not unreasonable...				
Declined to Extend by	68. Cotton v. United States	Dec. 18, 2020	Case		—
	2020 WL 7625012 , E.D.Mo. This matter is before the Court on self-represented movant Torrance L. Cotton's motion for certificate of appealability ("COA"). The government has not responded to the motion and...				
Distinguished by	69. McCall v. State	Feb. 10, 1939	Case		14 S.Ct.
	186 So. 510 , Fla.				

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	Error to Circuit Court, Dade County; H. F. Atkinson, Judge. On motion for recall of mandate and for rehearing. Motion denied. For former opinion, see 185 So. 608.				
Distinguished by	70. Logan v. Johnston	June 27, 1939	Case		9 S.Ct.
	28 F.Supp. 98 , N.D.Cal. Habeas corpus proceeding by Harry James Logan against James A. Johnston, Warden, U.S. Penitentiary, Alcatraz, California, for petitioner's release from United States Penitentiary...				
Distinguished by	71. Ex parte Gilbert	Feb. 26, 1941	Case		14 S.Ct.
	111 P.2d 205 , Okla.Crim.App. Habeas corpus proceeding by Covell Gilbert. Writ denied.				
Distinguished by	72. Centers v. Sanford	June 03, 1941	Case		7 9 14 S.Ct.
	120 F.2d 217 , C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Proceeding by Blake Centers against Joseph W. Sanford, Warden,...				
Distinguished by	73. Skiba v. Kaiser	Feb. 16, 1944	Case		1 S.Ct.
	178 S.W.2d 373 , Mo. Habeas corpus proceeding by Chester Skiba against Paul E. Kaiser, Warden, Missouri State Penitentiary. Writ of habeas corpus quashed, and petitioner remanded to custody of...				
Distinguished by	74. Jenkins v. State	July 02, 1945	Case		14 S.Ct.
	161 P.2d 90 , Okla.Crim.App. Appeal from District Court, Okfuskee County; Arthur Cochran, Judge. W. C. (Bill) Jenkins was convicted of manslaughter in the first degree, and he appeals. Affirmed. DOYLE, J.,....				
Distinguished by	75. Ex parte Jenkins	June 18, 1946	Case		14 S.Ct.
	170 P.2d 235 , Okla. Original proceeding by William C. (Bill) Jenkins for a writ of habeas corpus to secure his release from the state penitentiary. Writ denied.				
Distinguished by	76. Ex parte Burson	Nov. 29, 1948	Case		11 S.Ct.
	86 N.E.2d 40 , Ohio App. 2 Dist. Original action seeking a writ of habeas corpus by James D. Burson.-[Editorial Statement.] Writ denied. Motion overruled 86 N.E.2d 43.				
Distinguished by	77. State v. Benson	Oct. 18, 1955	Case		—
	72 N.W.2d 438 , Iowa Defendant was convicted in Polk District Court, C. Edwin Moore, J., of the crime of larceny. Defendant's motion for new trial, on grounds that state had failed to prove venue and...				
Distinguished by	78. U.S. ex rel. Marino v. Holton	Dec. 06, 1955	Case		9 S.Ct.
	227 F.2d 886 , 7th Cir.(III.)				

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	Habeas corpus proceeding to secure the release of petitioner held under a deportation warrant on ground of a murder conviction in a state court within five years after his entry. ...				
Distinguished by	79. Rivera Escute v. Delgado, Alcaide 80 D.P.R. 830 , P.R. Solicitudinteresando la expedición de un auto de hábeas corpus. Sin lugar el recurso.	Dec. 16, 1958	Case		—
Distinguished by	80. Yates v. U.S. 308 F.2d 737 , 10th Cir.(Kan.) Defendant was convicted in the United States District Court for the District of Kansas of criminal contempt, and he appealed from an order and judgment of that court, Arthur J....	Sep. 12, 1962	Case		8 S.Ct.
Distinguished by	81. People v. Hernandez 25 Cal.Rptr. 640 , Cal.App. 2 Dist. Defendant was convicted of second degree burglary and from a judgment of the Superior Court of Los Angeles County, Maurice C. Sparling, J., the defendant appealed. The District...	Oct. 25, 1962	Case		—
Distinguished by	82. State v. Rickard 364 S.W.2d 561 , Mo. Prosecution for driving motor vehicle while intoxicated. Defendant was found guilty and his motion for new trial was overruled by the Circuit Court, Adair County, William E....	Feb. 11, 1963	Case		—
Distinguished by	83. U.S. v. Childress 347 F.2d 448 , 7th Cir.(Ind.) Defendant was convicted of armed robbery of a clerk in charge of a postal contract station of the Union States, and from the judgment of the United States District Court for the...	June 29, 1965	Case		4 S.Ct.
Distinguished by	84. People v. Dunn 158 N.W.2d 404 , Mich. Defendant was convicted on his plea of guilty, but the Court of Appeals on its own motion reversed the conviction, and appeal was taken. The Supreme Court, O'Hara, J., held that...	May 08, 1968	Case		4 9 S.Ct.
Distinguished by	85. State v. Lopez 441 P.2d 764 , N.M. The District Court, McKinley County, Frank B. Zinn, D.J., denied defendant's petition for post-conviction relief and he appealed. The Supreme Court, Moise, J., held that so long...	June 10, 1968	Case		14 S.Ct.
Distinguished by	86. Wright v. Craven 412 F.2d 915 , 9th Cir.(Cal.) Proceeding on petition of state prisoner for writ of habeas corpus. The United States District Court for the Eastern District of California, Thomas J. MacBride, Chief Judge,...	June 09, 1969	Case		8 S.Ct.

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Distinguished by	87. Government of Virgin Islands v. Russell 1972 WL 291534 , D.Virgin Islands Appellant was charged with aggravated assault and battery upon a police officer under 14 V.I.C. § 298(1). He was tried in the Municipal Court before a judge sitting without a...	Sep. 05, 1972	Case		—
Distinguished by	88. Kolb v. State 532 S.W.2d 87 , Tex.Crim.App. Defendant was convicted in 138th Judicial District Court, Cameron County, Filemon B. Vela, J., of possession of over four ounces of marihuana, and he appealed. The Court of...	Jan. 28, 1976	Case		7 S.Ct.
Distinguished by	89. U.S. v. Nolan 571 F.2d 528 , 10th Cir.(Okla.) Petitioner, who had been convicted of conspiracy to use interstate facilities for gambling purposes and use of such facilities to carry on unlawful gambling business, moved to...	Feb. 28, 1978	Case		3 9 S.Ct.
Distinguished by	90. People v. Perez 155 Cal.Rptr. 176 , Cal. Defendant was convicted before the Superior Court, Imperial County, Henry Wien, J., of second-degree burglary, and he appealed. The Supreme Court, Tobriner, Acting C. J., held...	Apr. 26, 1979	Case		9 S.Ct.
Distinguished by	91. U.S. v. Valencia 645 F.2d 1158 , 2nd Cir.(N.Y.) Defendants were convicted in the United States District Court for the Eastern District of New York, Eugene H. Nickerson, J., of counts charging distribution of cocaine and of...	Sep. 18, 1980	Case		—
Distinguished by	92. Lamb v. U.S. 587 F.Supp. 209 , D.S.C. Municipal police officers brought action seeking refunds of portion of federal income tax paid in years 1974–1977, alleging that federal statutes which allowed state police...	Mar. 30, 1984	Case		9 S.Ct.
Distinguished by	93. People v. Bravo 238 Cal.Rptr. 282 , Cal. Defendant was convicted in the Superior Court, Orange County, James O. Perez, J., upon his guilty plea, of possession of cocaine for sale and of possession of concealable firearm,...	July 09, 1987	Case		2 9 S.Ct.
Distinguished by	94. Tyler v. Bronson 533 A.2d 570 , Conn.App. Petitioner brought action for writ of habeas corpus, seeking an order granting him right to file late appeal of his conviction for assault in the first degree. The Superior Court...	Nov. 17, 1987	Case		3 S.Ct.

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Distinguished by	 95. Jenkins v. Leonardo  <p>991 F.2d 1033 , 2nd Cir.(N.Y.) Petitioner was convicted in the County Court, Westchester County, Rosato, J., of first-degree rape, first-degree sexual abuse, first-degree use of firearm, third-degree possession...</p>	Apr. 20, 1993	Case	  	4 9 S.Ct.
Distinguished by	96. U.S. v. Scafidi <p>993 F.Supp. 313 , E.D.Pa. In a prosecution against multiple defendants, defendant was convicted in the District Court of violations of Racketeer Influenced and Corrupt Organizations Act (RICO), RICO...</p>	July 30, 1997	Case	  	1 9 S.Ct.
Distinguished by	 97. Allen v. State <p>686 N.E.2d 760 , Ind. CRIMINAL JUSTICE - Competency to Stand Trial. Trial court had no duty to order, sua sponte, psychiatric examination of defendant's competency.</p>	Sep. 25, 1997	Case	  	13 S.Ct.
Distinguished by	 98. In re Welfare of G.L.H.  <p>614 N.W.2d 718 , Minn. FAMILY LAW - Child Protection. Mother validly waived her statutory right to counsel in proceeding to terminate her parental rights.</p>	July 20, 2000	Case	  	1 9 S.Ct.
Distinguished by	99. Bestfoods v. Aerojet-General Corp.  <p>173 F.Supp.2d 729 , W.D.Mich. ENVIRONMENTAL LAW - CERCLA. Corporation's oversight of subsidiary was within norms, defeating CERCLA cost recovery claim.</p>	Nov. 09, 2001	Case	  	3 S.Ct.
Distinguished by	100. Green v. U.S. Dist. Court  <p>2002 WL 31548086 , D.Minn. Petitioner Mack Al Green ("Green") has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. In a Report and Recommendation dated April 30, 2001, United States...</p>	Nov. 12, 2002	Case	  	6 7 8 S.Ct.
Distinguished by	 101. Johnson v. Com. <p>90 S.W.3d 39 , Ky. CRIMINAL JUSTICE - Drugs. Evidence that defendant resided in home was evidence of constructive possession of handguns found there.</p>	Nov. 21, 2002	Case	  	2 S.Ct.
Distinguished by	102. U.S. v. Aptt <p>354 F.3d 1269 , 10th Cir.(Colo.) CRIMINAL JUSTICE - Appeals. Stipulation to admission of exhibits precluded even plain-error review on appeal.</p>	Jan. 21, 2004	Case	  	9 S.Ct.
Distinguished by	 103. Jhun v. State <p>89 P.3d 533 , Hawai'i CRIMINAL JUSTICE - Jury. Defendant expressly and intelligently waived his right to jury trial.</p>	May 14, 2004	Case	  	4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	104. Parker v. Haley	Sep. 30, 2005	Case		3 14 S.Ct.
Distinguished by	105. State v. Martin	Nov. 16, 2006	Case		9 S.Ct.
Distinguished by	106. Carroll v. Renico	Feb. 02, 2007	Case		1 9 13 S.Ct.
Distinguished by	107. Williams v. Moore	May 24, 2007	Case		2 9 S.Ct.
Distinguished by	108. Page v. Lafler	Feb. 19, 2008	Case		—
Distinguished by	109. State v. Pasqualone	Feb. 04, 2009	Case		9 S.Ct.
Distinguished by	110. Braza v. Office of Personnel Management	Mar. 16, 2010	Case		4 9 14 S.Ct.
Distinguished by	111. Major v. McDaniel	Mar. 18, 2010	Case		14 S.Ct.
Distinguished by	112. al-Qurashi v. Obama	Aug. 03, 2010	Case		7 11 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	 113. People v. Castaneda 127 Cal.Rptr.3d 200 , Cal. CRIMINAL JUSTICE - Homicide. Instructions that unnecessarily explained implied malice were not prejudicial.	June 30, 2011	Case	  	13 S.Ct.
Distinguished by	114. People v. Olsson 2011 WL 10099871 , Ill.App. 2 Dist. ¶ 1 Defendant, Paul Olsson, appeals an order finding him unfit to stand trial. He contends that the trial court denied him his right to counsel and thus lost jurisdiction to enter...	Oct. 28, 2011	Case	  	—
Distinguished by	115. Hagos v. Clements 2013 WL 674026 , D.Colo. This matter is before me on the Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("Petition") [# 1] filed on March 16, 2012, by Petitioner Abraham Hagos....	Feb. 25, 2013	Case	  	4 S.Ct.
Distinguished by	116. Cormier v. Saba  953 F.Supp.2d 274 , D.Mass. CRIMINAL JUSTICE - Habeas Corpus. Petitioner was not entitled to habeas relief with respect to his Sixth Amendment Confrontation Clause claim.	June 21, 2013	Case	  	2 13 S.Ct.
Distinguished by	 117. Hall v. Thomas 977 F.Supp.2d 1129 , S.D.Ala. CRIMINAL JUSTICE - Habeas Corpus. White petitioner was entitled to habeas relief on his Batson claim arising from prosecution's striking of black jurors.	Sep. 30, 2013	Case	  	—
Distinguished by	118. Hernandez Portillo v. U.S. 2014 WL 3615815 , E.D.Va. THIS MATTER is before the Court on Petitioner Rigoberto Hernandez Portillo's Motion to Vacate, Set Aside or Correct his Sentence Pursuant to 28 U.S.C. § 2255 (Doc. 243). This case...	July 17, 2014	Case	  	1 S.Ct.
Distinguished by	 119. TD Auto Finance, LLC v. Fitzpatrick  2015 WL 4908355 , Cal.App. 3 Dist. Defendants and appellants Scott Fitzpatrick and Lisa Gislon Fitzpatrick, husband and wife (together, the Fitzpatricks), appeal in propria persona from a judgment entered in favor...	Aug. 14, 2015	Case	  	1 S.Ct.
Distinguished by	120. White v. Richards 2015 WL 4985118 , S.D.Ohio This habeas corpus case is before the Court on recommital from Judge Rose to reconsider the two pending Reports and Recommendations in light of Petitioner's Objections (ECF Nos....)	Aug. 21, 2015	Case	  	—
Distinguished by	121. In re Adoption of M.S.M.-P. 358 P.3d 1163 , Wash.	Oct. 08, 2015	Case	  	2 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
	FAMILY LAW - Trial. In a parental termination case, counsel can effectively waive a party's constitutional right to an open hearing.				
Distinguished by	122. Reece v. Whitley  2016 WL 705265 , M.D.Tenn. TO: Honorable John T. Nixon, Senior District Judge By Order entered April 14, 2015 (Docket Entry No. 3), this action was referred to the Magistrate Judge, pursuant to Rule 72(b) of...	Feb. 23, 2016	Case	  	9 10 S.Ct.
Distinguished by	123. Jenkins v. Bergeron 824 F.3d 148 , 1st Cir.(Mass.) CRIMINAL JUSTICE — Habeas Corpus. Finding that petitioner validly waived his right to testify was not contrary to clearly established federal law as determined by Supreme Court.	May 27, 2016	Case	  	—
Distinguished by	124. State v. Leon  2016 WL 3188905 , Ariz.App. Div. 2 ¶1 Joshua Leon petitions for review of the trial court's denial, after an evidentiary hearing, of his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R....	June 07, 2016	Case	  	4 S.Ct.
Distinguished by	125. Pride v. McFadden  2016 WL 3951667 , D.S.C. The Petitioner, a state prisoner proceeding pro se, seeks habeas relief pursuant to 28 U.S.C. § 2254. This matter is before the Court upon Respondent's Motion for Summary Judgment...	July 01, 2016	Case	  	4 14 S.Ct.
Distinguished by	126. Ellis v. Vance 227 F.Supp.3d 627 , N.D.Miss. CRIMINAL JUSTICE — Assault and Battery. Deputy sheriff had probable cause to make arrest for simple assault without watching exculpatory surveillance video of incident.	Jan. 03, 2017	Case	  	9 S.Ct.
Distinguished by	127. Mohamed v. Tampkins 2017 WL 2537108 , S.D.Cal. Petitioner Ebrahim Mussa Mohamed, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2254 challenging his...	June 12, 2017	Case	  	14 S.Ct.
Distinguished by	 128. Nardea v. Sessions  876 F.3d 675 , 4th Cir. IMMIGRATION — Deportation or Removal. DHS demonstrated on petition for review of order of removal that alien entered United States through Visa Waiver Program.	Nov. 29, 2017	Case	  	2 S.Ct.
Distinguished by	129. Moon v. Davis 2018 WL 6356978 , C.D.Cal. The Court has reviewed Petitioner's Merits (Brief), Respondent's Opposition to Petitioner's § 2254(d) Merits Brief (Opposition), and Petitioner's Reply. On July 13, 2017, the Court...	May 01, 2018	Case	  	14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	130. Hobbs v. Ohio Adult Parole Authority 2018 WL 4492758 , S.D.Ohio This is a habeas corpus case brought pro se by Petitioner Ryan Hobbs under 28 U.S.C. § 2254. Final judgment dismissing the Petition with prejudice was entered February 18, 2015,...	Sep. 19, 2018	Case		9 S.Ct.
Distinguished by	131. State v. Syed 204 A.3d 139 , Md. CRIMINAL JUSTICE — Counsel. Trial counsel's failure to investigate potential alibi witness in Adnan Syed prosecution, though deficient, was not prejudicial.	Mar. 08, 2019	Case		14 S.Ct.
Distinguished by	132. Credit Acceptance Corporation v. Prevo 277 So.3d 847 , La.App. 2 Cir. COMMERCIAL LAW — Debt Collection. District court had subject matter jurisdiction over lender's action against borrower, seeking to recover deficiency, costs, interest and attorney...	June 26, 2019	Case		—
Distinguished by	133. Bouhdida v. Ryan 2020 WL 2561257 , D.Ariz. TO THE HONORABLE DAVID G. CAMPBELL, SENIOR UNITED STATES DISTRICT JUDGE: Petitioner Trent Xavier Bouhdida, Sr. has filed pro se a Petition for Writ of Habeas Corpus pursuant to 28...	Apr. 10, 2020	Case		14 S.Ct.
Distinguished by	134. Agricultural and Rural Finance Pty Ltd v Gardiner 2008 WL 5159203 , HCA Between October 1997 and May 1999, the appellant ("ARF" or "the Lender") made four loans to the first respondent (Mr Gardiner or "the Borrower"). In each case the loan...	Dec. 11, 2008	Case	—	—

History (9)

Direct History (9)

- 🚩 1. [Bridwell v. Aderhold](#)
13 F.Supp. 253 , N.D.Ga. , Dec. 19, 1935

Judgment Affirmed by

- 🚩 2. [Johnson v. Zerbst](#)
92 F.2d 748 , C.C.A.5 (Ga.) , Nov. 24, 1937

Certiorari Granted by

3. [Johnson v. Zerbst](#)
303 U.S. 629 , U.S.Ga. , Feb. 14, 1938

AND Judgment Reversed by

- FLAG 4. [Johnson v. Zerbst](#) ⚖
304 U.S. 458 , U.S.Ga. , May 23, 1938

On Remand to

5. [Bridwell v. Zerbst](#)
97 F.2d 992 , C.C.A.5 (Ga.) , June 17, 1938

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- FLAG 6. [Johnson v. Zerbst](#)
92 F.2d 748 , C.C.A.5 (Ga.) , Nov. 24, 1937

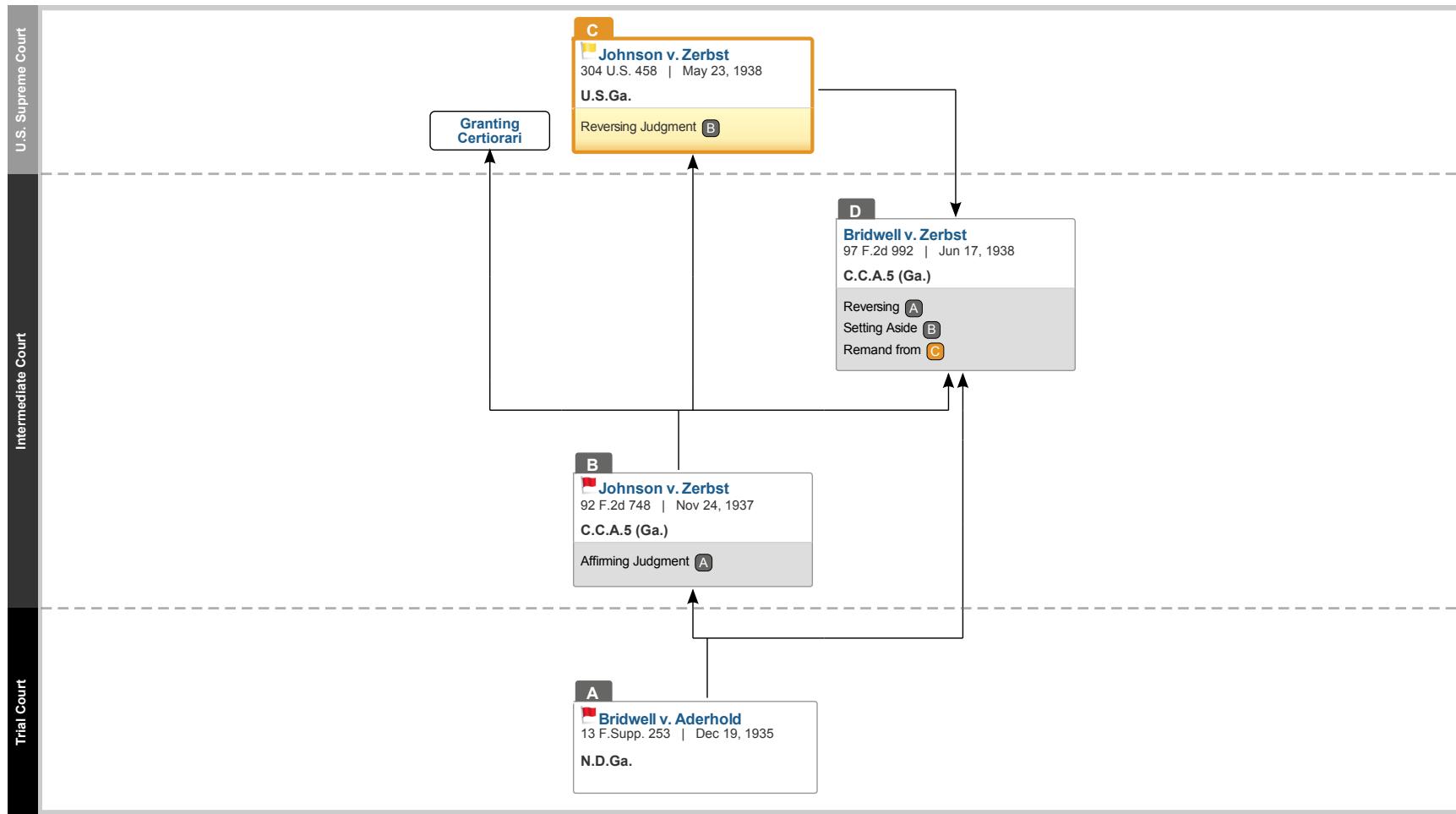
Set Aside by

7. [Bridwell v. Zerbst](#)
97 F.2d 992 , C.C.A.5 (Ga.) , June 17, 1938

8. [Bridwell v. Aderhold](#)
13 F.Supp. 253 , N.D.Ga. , Dec. 19, 1935

Reversed by

9. [Bridwell v. Zerbst](#)
97 F.2d 992 , C.C.A.5 (Ga.) , June 17, 1938



Citing References (500)

Treatment	Title	Date	Type	Depth	Headnote(s)
Declined to Extend by <small>NEGATIVE</small>	1. Cox v. Del Papa 542 F.3d 669, 676+, 9th Cir.(Nev.) CRIMINAL JUSTICE - Habeas Corpus. Court was not required to sua sponte examine defendant's Miranda waiver once his competency to stand trial was raised.	Sep. 04, 2008	Case	■■■	8 9 13 S.Ct.
Declined to Extend by <small>NEGATIVE</small>	2. Harold Sampson Children's Trust v. Linda Gale Sampson 1979 Trust 667 N.W.2d 831, 835+, Wis.App. LEGAL SERVICES - Privileges. Counsel who wrongly concluded documents were not privileged waived attorney-client privilege on behalf of clients.	June 10, 2003	Case	■■■	3 4 9 S.Ct.
Declined to Extend by <small>NEGATIVE</small>	3. Gonzalez v. State 8 S.W.3d 640, 645+, Tex.Crim.App. CRIMINAL JUSTICE - Double Jeopardy. Defendant waived Fifth Amendment "multiple punishments" claim.	Jan. 05, 2000	Case	■■■■	2 3 9 S.Ct.
Distinguished by <small>NEGATIVE</small>	4. Reece v. Whitley 2016 WL 705265, *4+, M.D.Tenn. TO: Honorable John T. Nixon, Senior District Judge By Order entered April 14, 2015 (Docket Entry No. 3), this action was referred to the Magistrate Judge, pursuant to Rule 72(b) of...	Feb. 23, 2016	Case	■■■■	9 10 S.Ct.
Distinguished by <small>NEGATIVE</small>	5. TD Auto Finance, LLC v. Fitzpatrick 2015 WL 4908355, *3+, Cal.App. 3 Dist. Defendants and appellants Scott Fitzpatrick and Lisa Gislon Fitzpatrick, husband and wife (together, the Fitzpatricks), appeal in propria persona from a judgment entered in favor...	Aug. 14, 2015	Case	■■■■	1 S.Ct.
Distinguished by <small>NEGATIVE</small>	6. Cormier v. Saba 953 F.Supp.2d 274, 285+, D.Mass. CRIMINAL JUSTICE - Habeas Corpus. Petitioner was not entitled to habeas relief with respect to his Sixth Amendment Confrontation Clause claim.	June 21, 2013	Case	■■■■	2 13 S.Ct.
Examined by	7. Schriro v. Landigan 127 S.Ct. 1933, 1945+, U.S. CRIMINAL JUSTICE - Death Penalty. Failure to present mitigating evidence at sentencing in capital murder trial was not ineffective assistance of counsel.	May 14, 2007	Case	■■■■	2 9 13 S.Ct.
Examined by	8. Custis v. U.S. 114 S.Ct. 1732, 1733+, U.S.Md. Sentence Enhancement. Defendant in federal sentencing proceeding could not collaterally attack validity of previous state convictions used for sentence enhancement.	May 23, 1994	Case	■■■■	8 9 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	9. Minnick v. Mississippi 111 S.Ct. 486, 494+, U.S.Miss. Defendant was convicted in the Circuit Court, Lowndes County, Mississippi, Lester F. Williamson, J., of two counts of capital murder, and he appealed. The Supreme Court of...	Dec. 03, 1990	Case		3 9 S.Ct.
Examined by	10. Solem v. Stumes 104 S.Ct. 1338, 1344+, U.S.S.D. Prisoner filed petition for writ of habeas corpus. The United States District Court for the District of South Dakota, Fred. J. Nichol, Chief Judge, 511 F.Supp. 1312, denied...	Feb. 29, 1984	Case		3 9 S.Ct.
Examined by	11. Oregon v. Bradshaw 103 S.Ct. 2830, 2835+, U.S.Or. Defendant was convicted before the Circuit Court, Tillamook County, Delbert B. Mayer, J., of first-degree manslaughter, driving while under the influence of intoxicants and driving...	June 23, 1983	Case		4 9 S.Ct.
Examined by	12. Estelle v. Williams 96 S.Ct. 1691, 1695+, U.S.Tex. After he was convicted by a Texas court of assault with intent to murder with malice and the conviction was affirmed on appeal by the Texas Court of Criminal Appeals, petitioner...	May 03, 1976	Case		1 4 9 S.Ct.
Examined by	13. Burns v. Wilson 74 S.Ct. 3, 5+, U.S.Dist.Col. On Petition for Rehearing. Former decision, 346 U.S. 137, 73 S.Ct. 1045. Facts and opinion, 91 U.S.App.D.C. 208, 202 F.2d 335, which affirmed D.C.D.C., 104 F.Supp. 310.	Oct. 12, 1953	Case		8 9 14 S.Ct.
Examined by	14. Bute v. People of State of Ill. 68 S.Ct. 763, 771+, U.S.Ill. Roy Bute was convicted on two separate indictments of taking indecent liberties with children. Judgments of conviction were affirmed by the Supreme Court of Illinois, 396 Ill. 588,...	Apr. 19, 1948	Case		1 4 9 S.Ct.
Examined by	15. Pazden v. Maurer 424 F.3d 303, 312+, 3rd Cir.(N.J.) CRIMINAL JUSTICE - Habeas Corpus. Defendant's waiver of counsel during state court prosecution was not voluntary.	Sep. 27, 2005	Case		1 4 9 S.Ct.
Examined by	16. Duffey v. Lehman 1996 WL 13154, *6+, 3rd Cir.(Pa.) State prisoner sentenced to death filed motion to proceed in forma pauperis, for stay of execution, and for appointment of federal habeas corpus counsel. The United States...	Jan. 16, 1996	Case		9 13 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 17. McMahon v. Fulcomer  821 F.2d 934, 942+, 3rd Cir.(Pa.) Pennsylvania inmate appealed from denial of his petition for writ of federal habeas corpus by the United States District Court for the Western District of Pennsylvania, Gerald J....	June 08, 1987	Case	  	1 2 9 S.Ct.
Examined by	18. U. S. ex rel. Johnson v. Cavell 468 F.2d 304, 306+, 3rd Cir.(Pa.) Proceeding on state prisoner's petition for writ of habeas corpus. The United States District Court for the Middle District of Pennsylvania, Frederick v. Follmer, J., denied the...	Oct. 03, 1972	Case	  	7 9 14 S.Ct.
Examined by	19. U.S. v. Cardona  420 Fed.Appx. 448, 451+, 5th Cir.(Tex.) CRIMINAL JUSTICE - Habitual Offenders. Defendant convicted of several drug-related crimes was properly classified as a career offender for sentencing purposes.	Apr. 04, 2011	Case	  	1 14 S.Ct.
Examined by	 20. Henderson v. Tollett  459 F.2d 237, 239+, 6th Cir.(Tenn.) State prisoner petitioned for writ of habeas corpus. The United States District Court for the Middle District of Tennessee, Nashville Division, 342 F. Supp. 113, Frank Gray, Jr.,....	Apr. 20, 1972	Case	  	8 14 S.Ct.
Examined by	21. Spanbauer v. Burke 374 F.2d 67, 71+, 7th Cir.(Wis.) Proceeding for habeas corpus relief. The United States District Court for the Eastern District of Wisconsin, Kenneth Philip Grubb, J., entered order denying the petition after...	Dec. 28, 1966	Case	  	8 9 13 S.Ct.
Examined by	 22. U.S. v. Broce  781 F.2d 792, 800+, 10th Cir.(Kan.) Defendants, a corporation and corporate officer, were convicted on their guilty pleas on two indictments charging, inter alia, antitrust conspiracy. One year later, defendants...	Jan. 02, 1986	Case	  	9 S.Ct.
Examined by	 23. Stano v. Dugger  921 F.2d 1125, 1140+, 11th Cir.(Fla.) Following complete state review of his first-degree murder convictions and resulting in death sentences, defendant petitioned for federal habeas corpus relief. The United States...	Jan. 02, 1991	Case	  	1 4 9 S.Ct.
Examined by	 24. U.S. v. McPherson  421 F.2d 1127, 1129+, D.C.Cir. Defendant was convicted in the United States District Court for the District of Columbia, Aubrey E. Robinson, Jr., J., of burglary and larceny, and he appealed. The Court of...	Oct. 02, 1969	Case	  	4 9 13 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	25. Farnsworth v. U.S. 232 F.2d 59, 61+ , D.C.Cir. Petitioner filed a petition for writ of error coram nobis to set aside judgment of conviction on ground that he had been deprived of his constitutional right to counsel. The...	Feb. 02, 1956	Case		9 13 14 S.Ct.
Examined by	26. Evans v. Rives 126 F.2d 633, 635+ , App.D.C. Appeal from the District Court of the United States for the District of Columbia. Habeas corpus proceeding by Charles Evans against Thomas M. Rives. From an order dismissing the...	Feb. 21, 1942	Case		1 9 14 S.Ct.
Examined by	27. Johnson v. Wilson 2014 WL 3818288, *1+ , S.D.Ind. This matter is before the Court on a Petition for Writ of Habeas Corpus filed by Petitioner Robert Johnson ("Johnson"). (Filing No. 1). Johnson was convicted of two counts of...	Aug. 04, 2014	Case		—
Examined by	28. Gall v. Brady 39 F.Supp. 504, 505+ , D.Md. Habeas corpus proceeding by Merrill L. Gall against Patrick J. Brady, warden of the Maryland Penitentiary, for release from imprisonment. Petition denied.	June 16, 1941	Case		1 9 14 S.Ct.
Examined by	29. Greer v. Wilson 2015 WL 13749709, *3+ , D.Minn. Federal law prohibits felons from possessing firearms. See 18 U.S.C. § 922(g)(1). Usually, this offense is punishable by up to a 10-year term of imprisonment, see 18 U.S.C....	Aug. 20, 2015	Case		7 S.Ct.
Examined by	30. Palmentere v. U.S. 351 F.Supp. 167, 168+ , W.D.Mo. Consolidated cases involving petitions for writ of coram nobis attacking various sentences imposed on petitioners. The District Court, John W. Oliver, J., held that coram nobis...	Nov. 10, 1972	Case		9 13 14 S.Ct.
Examined by	31. Bakari v. Beyer 870 F.Supp. 85, 87+ , D.N.J. State prisoner petitioned for habeas corpus. Following conditional grant of writ, 863 F.Supp. 192, respondent sought reconsideration. The District Court, Wolin, J., held that:....	Dec. 02, 1994	Case		4 9 14 S.Ct.
Examined by	32. James v. Brigano 2005 WL 8161316, *12+ , S.D.Ohio On June 11, 1997, a jury in the Clark County, Ohio Court of Common Pleas found Petitioner Ahmad K. James guilty of having weapons under disability. (Doc. #8, Exhibit 9). The jury...	Mar. 15, 2005	Case		4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	33. Young v. Kelchner 2007 WL 256934, *8+, M.D.Pa. Petitioner, James Charles Young, an inmate presently confined at the State Correctional Institution at Camp Hill, Pennsylvania ("SCI-Camp Hill"), filed, pro se, the instant...	Jan. 25, 2007	Case		2 9 14 S.Ct.
Examined by	34. U.S. v. Burk 2014 WL 2800759, *3+, W.D.Tex. On this day, the Court considered Plaintiff United States of America's ("Government" or "United States") "Motion to Reconsider Appointment of Publicly Funded Counsel for..."	June 18, 2014	Case		1 9 S.Ct.
Examined by	35. Huffman v. Beto 260 F.Supp. 63, 66+, S.D.Tex. Habeas corpus proceeding. The District Court, Noel, J., held that evidence established that state prisoner had known of his right to be represented by counsel in state criminal...	Oct. 28, 1966	Case		9 13 S.Ct.
Examined by	36. Zarter v. Dittman 2013 WL 3924354, *4+, E.D.Wis. The petitioner, Paul G. Zarter ("Zarter"), a prisoner in Wisconsin custody, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Zarter was convicted of one count of...	July 29, 2013	Case		3 4 S.Ct.
Examined by	37. Anderson v. Kingston 2009 WL 2983071, *7+, E.D.Wis. On May 16, 2008, petitioner John Mann Anderson filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner was convicted of two counts of first degree...	Sep. 14, 2009	Case		1 4 9 S.Ct.
Examined by	38. Jones v. Berge 246 F.Supp.2d 1045, 1051+, E.D.Wis. CRIMINAL JUSTICE - Counsel. Petitioner did not waive right to counsel by refusing to allow filing of no-merit appellate brief.	Feb. 21, 2003	Case		4 9 14 S.Ct.
Examined by	39. Walker v. McCaughey 72 F.Supp.2d 1025, 1031+, E.D.Wis. After denial of direct appeal and state post-conviction relief, petitioner sought federal habeas corpus relief from state convictions of reckless homicide and sexual assault on...	Nov. 10, 1999	Case		1 4 9 S.Ct.
Examined by	40. Wisconsin ex rel. Toliver v. McCaughey 72 F.Supp.2d 960, 972+, E.D.Wis. Following final state court affirmance of his conviction of first degree intentional homicide as party to the crime, and final state court affirmation of denial of his petition for...	Nov. 09, 1999	Case		1 4 9 S.Ct.
Examined by	41. Insurance Co. of the West v. U.S. 100 Fed.Cl. 58, 66+, Fed.Cl. GOVERNMENT CONTRACTS - Assignment. Government did not implicitly waive of protections of Assignment of Claims Act, or the Assignment of Contracts Act.	Sep. 08, 2011	Case		3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	42. State v. Duffy  453 P.3d 816, 824+, Ariz.App. Div. 2 CRIMINAL JUSTICE — Counsel. Defense counsel had conflict of interest where joint representation precluded defendant from alleging that he was less culpable than codefendant.	Nov. 01, 2019	Case	  	2 4 14 S.Ct.
Examined by	43. Ex parte Bell  122 P.2d 22, 26+, Cal. In Bank. Proceeding in the matter of the petition of Rufus Bell and others for a writ of habeas corpus to secure release from custody. Writ discharged and petitioners remanded to...	Feb. 13, 1942	Case	  	7 9 14 S.Ct.
Examined by	44. People v. Barlow  163 Cal.Rptr. 664, 673+, Cal.App. 4 Dist. Defendant appealed from a judgment of the Superior Court, Orange County, Richard J. Beacom, J., which found that he had violated the terms of his probation but reinstated probation...	Mar. 14, 1980	Case	  	9 13 14 S.Ct.
Examined by	45. People v. Garcia  159 Cal.Rptr. 487, 491+, Cal.Super.A.D. Defendant was convicted in the Municipal Court for Los Angeles Judicial District, Robert J. Higa, J., of driving under influence of intoxicating liquor and drug and with having...	Oct. 05, 1979	Case	  	4 9 S.Ct.
Examined by	46. State v. Gethers  480 A.2d 435, 441+, Conn. Defendant was convicted in the Superior Court, Judicial District of New Haven, Zoarski, J., of two counts of robbery in the first degree, and defendant appealed. The Supreme...	July 03, 1984	Case	  	4 9 14 S.Ct.
Examined by	47. Hsu v. U. S.  392 A.2d 972, 980+, D.C. Defendant was convicted in the Superior Court of the District of Columbia, Tim Murphy, J., of perjury and he appealed. The District of Columbia Court of Appeals, Ferren, J., held...	Sep. 29, 1978	Case	  	4 9 13 S.Ct.
Examined by	48. Briscoe v. State  606 A.2d 103, 104+, Del.Supr. Defendant was convicted in the Superior Court, New Castle County, of delivery of cocaine, and he appealed. The Supreme Court, Holland, J., held that permitting defendant, who had...	Apr. 23, 1992	Case	  	4 9 13 S.Ct.
Examined by	49. Abercrombie v. State  428 P.2d 505, 508+, Idaho Petition for writ of habeas corpus. The Tenth Judicial District Court, Nez Perce County, Paul W. Hyatt, J., dismissed the petition, and appeal was taken. The Supreme Court,...	May 31, 1967	Case	  	2 4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 50. State v. Young  863 N.W.2d 249, 261+ , Iowa CRIMINAL JUSTICE - Counsel. Defendant had right to assistance of counsel during proceedings for prior misdemeanor theft charge.	Apr. 03, 2015	Case	  	 1 S.Ct.
Examined by	 51. Parson v. Com.  144 S.W.3d 775, 790+ , Ky. CRIMINAL JUSTICE - Confrontation. Defendant could not renege on waiver of confrontation rights.	June 17, 2004	Case	  	 9 14 S.Ct.
Examined by	52. Lopez v. State  20 A.3d 812, 814+ , Md. CRIMINAL JUSTICE - Counsel. Defendant was never informed of allowable punishments he faced, and thus his waiver of right to counsel was invalid.	May 25, 2011	Case	  	 4 9 14 S.Ct.
Examined by	 53. In re Blessen H.  898 A.2d 980, 984+ , Md. FAMILY LAW - Child Protection. Mother's attorney's acceptance of the stipulated facts in child in need of assistance petition constituted sufficient waiver of mother's right to a...	May 11, 2006	Case	  	 4 9 13 S.Ct.
Examined by	 54. Hunt v. State 691 A.2d 1255, 1258+ , Md. CRIMINAL JUSTICE - Postconviction Relief. Rights to examine prospective jurors and not to be convicted on false testimony did not have to be waived only by knowing and intelligent...	Mar. 18, 1997	Case	  	 4 9 S.Ct.
Examined by	 55. Countess v. State  408 A.2d 1302, 1304+ , Md. Various defendants were convicted of diverse crimes in the Criminal Court of Baltimore, Milton B. Allen, J., the Circuit Court for Baltimore County, William R. Buchanan and Austin...	Dec. 10, 1979	Case	  	 2 4 9 S.Ct.
Examined by	 56. Curtis v. State  395 A.2d 464, 470+ , Md. Petition for postconviction relief was filed. The Circuit Court, Prince George's County, James F. Couch, Jr., and Robert J. Woods, JJ., dismissed, and petitioner appealed. The...	Dec. 18, 1978	Case	  	 9 13 14 S.Ct.
Examined by	57. In re Blessen H.  877 A.2d 161, 164+ , Md.App. FAMILY LAW - Child Protection. Due process does not require strict waiver of contested child in need of assistance adjudicatory hearing.	June 30, 2005	Case	  	 2 3 9 S.Ct.
Examined by	 58. Curtis v. State  381 A.2d 1166, 1168+ , Md.App. Defendant filed his second postconviction petition. The Circuit Court, Prince George's County, James F. Couch, Jr., and Robert J. Woods, JJ., dismissed and defendant appealed. The...	Oct. 13, 1977	Case	  	 2 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Examined by	 59. State v. McKenzie  303 A.2d 406, 411+ , Md.App. Postconviction proceeding. The Circuit Court, Baltimore County, John Grason Turnbull, J., granted new trial and the state appealed. The Court of Special Appeals, Moylan, J., held...	Apr. 18, 1973	Case	  	 3  4  9 S.Ct.
Examined by	 60. People v. Russell  684 N.W.2d 745, 749+ , Mich. CRIMINAL JUSTICE - Counsel. Defendant, by rejecting self-representation, did not waive his right to counsel at trial.	July 27, 2004	Case	  	 4  9  13 S.Ct.
Examined by	 61. People v. Leonard  364 N.W.2d 625, 629+ , Mich. Defendant was convicted in the Circuit Court, Oakland County, Robert L. Templin, J., of first-degree criminal sexual conduct, and he appealed. The Court of Appeals, 125 Mich.App....	Dec. 28, 1984	Case	  	 1  4  9 S.Ct.
Examined by	 62. Garcia v. State  429 S.W.3d 604, 607+ , Tex.Crim.App. CRIMINAL JUSTICE - Right to Interpreter. Defendant validly waived right to interpreter even without on-the-record waiver colloquy.	Apr. 09, 2014	Case	  	 3  4 S.Ct.
Examined by	63. Johnson v. State  760 S.W.2d 277, 280+ , Tex.Crim.App. Defendants were convicted in the 198th Judicial District Court, Menard County, V. Murray Jordan, J., of burglary and they appealed. The San Antonio Court of Appeals, Fourth...	Nov. 16, 1988	Case	  	 3  4  9 S.Ct.
Examined by	64. Davila v. State  831 P.2d 204, 216+ , Wyo. Defendant pled nolo contendere to burglary charge and the District Court, Natrona County, Harry E. Leimback, J., denied defendant's motion to dismiss information made on ground...	Apr. 23, 1992	Case	  	 4  9 S.Ct.
Overruling Recognized by NEGATIVE	65. Bradin v. Thomas  823 Fed.Appx. 648, 653+ , 10th Cir.(Kan.) CRIMINAL JUSTICE — Parole. Deferral of parole revocation hearing until after expiration of prisoner's state sentence did not violate due process.	Aug. 13, 2020	Case	   	 1 S.Ct.
Overruling Recognized by NEGATIVE	66. State v. Rivera  2016 WL 389490, *3+ , Ariz.App. Div. 2 ¶ 1 Appellant Agustin Soto Rivera was convicted on multiple charges arising from a home invasion. He contends the trial court committed error by allowing him to be tried in...	Feb. 02, 2016	Case	   	 3  4 S.Ct.
Overruling Recognized by NEGATIVE	 67. Stringer v. State  241 S.W.3d 52, 56+ , Tex.Crim.App. CRIMINAL JUSTICE - Confrontation. Defendant's written waiver of his right to confront and cross-examine witnesses applied only to guilt stage, not sentencing.	Nov. 07, 2007	Case	   	 5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Overruling Recognized by NEGATIVE	 68. U.S. v. Leon-Delfis  203 F.3d 103, 110+ , 1st Cir.(Puerto Rico) CRIMINAL JUSTICE - Counsel. Defendant did not waive right of counsel with respect to post-polygraph test questioning.	Feb. 16, 2000	Case	   	1 S.Ct.
Overruling Recognized by NEGATIVE	69. Self v. Collins  973 F.2d 1198, 1206+ , 5th Cir.(Tex.) After his conviction for murder was affirmed by the Texas Court of Criminal Appeals, 513 S.W.2d 832, state prisoner sought habeas corpus. The United States District Court for the...	Sep. 22, 1992	Case	   	—
Abrogation Recognized by NEGATIVE	70. Solano v. State  32 So.3d 648, 650+ , Fla.App. 1 Dist. CRIMINAL JUSTICE - Counsel. Defendant's 30-year-old convictions were not void, even if obtained in violation of defendant's right to counsel.	Feb. 18, 2010	Case	   	9 S.Ct.
Abrogation Recognized by NEGATIVE	 71. People v. Alvarado  644 N.E.2d 783, 787+ , Ill.App. 4 Dist. Search. Request for consent to search does not violate defendant's right against self-incrimination.	Dec. 15, 1994	Case	   	2 S.Ct.
Declined to Extend by NEGATIVE	72. United States v. Gillenwater  2017 WL 2385331, *4+ , E.D.Wash. BEFORE THE COURT is Petitioner's pro se Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (ECF No. 361). This matter arises from the conviction by jury...	June 01, 2017	Case	   	9 14 S.Ct.
Declined to Extend by NEGATIVE	 73. Bayo v. Napolitano  593 F.3d 495, 503+ , 7th Cir. IMMIGRATION - Visas. Alien who stole passport could be held to terms of Visa Waiver Program even though he was from non-VWP country.	Jan. 20, 2010	Case	   	2 5 S.Ct.
Declined to Extend by NEGATIVE	74. Englewood Terrace Ltd. Partnership v. U.S.  86 Fed.Cl. 720, 729+ , Fed.Cl. REAL PROPERTY - Subsidized Housing. Property owner waived claim for subsidized housing rent increase by belatedly raising claim.	Apr. 07, 2009	Case	   	14 S.Ct.
Distinguished by NEGATIVE	75. State v. Syed  204 A.3d 139, 162+ , Md. CRIMINAL JUSTICE — Counsel. Trial counsel's failure to investigate potential alibi witness in Adnan Syed prosecution, though deficient, was not prejudicial.	Mar. 08, 2019	Case	   	14 S.Ct.
Distinguished by NEGATIVE	76. Mohamed v. Tampkins  2017 WL 2537108, *3+ , S.D.Cal. Petitioner Ebrahim Mussa Mohamed, a state prisoner proceeding pro se, has filed a Petition for Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2254 challenging his...	June 12, 2017	Case	   	14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	77. Ellis v. Vance 227 F.Supp.3d 627, 645+, N.D.Miss. CRIMINAL JUSTICE — Assault and Battery. Deputy sheriff had probable cause to make arrest for simple assault without watching exculpatory surveillance video of incident.	Jan. 03, 2017	Case	 	9 S.Ct.
Distinguished by NEGATIVE	78. Pride v. McFadden 2016 WL 3951667, *13+, D.S.C. The Petitioner, a state prisoner proceeding pro se, seeks habeas relief pursuant to 28 U.S.C. § 2254. This matter is before the Court upon Respondent's Motion for Summary Judgment...	July 01, 2016	Case	 	4 14 S.Ct.
Distinguished by NEGATIVE	79. State v. Leon 2016 WL 3188905, *2+, Ariz.App. Div. 2 ¶1 Joshua Leon petitions for review of the trial court's denial, after an evidentiary hearing, of his petition for post-conviction relief, filed pursuant to Rule 32, Ariz. R....	June 07, 2016	Case	 	4 S.Ct.
Distinguished by NEGATIVE	80. Hernandez Portillo v. U.S. 2014 WL 3615815, *1+, E.D.Va. THIS MATTER is before the Court on Petitioner Rigoberto Hernandez Portillo's Motion to Vacate, Set Aside or Correct his Sentence Pursuant to 28 U.S.C. § 2255 (Doc. 243). This case...	July 17, 2014	Case	 	1 S.Ct.
Distinguished by NEGATIVE	81. Hagos v. Clements 2013 WL 674026, *12+, D.Colo. This matter is before me on the Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("Petition") [# 1] filed on March 16, 2012, by Petitioner Abraham Hagos....	Feb. 25, 2013	Case	 	4 S.Ct.
Distinguished by NEGATIVE	82. Braza v. Office of Personnel Management 598 F.3d 1315, 1320+, Fed.Cir. LABOR AND EMPLOYMENT - Public Employment. Consent form in use when government employee retired sufficiently informed spouse of rights to survivor annuity she waived.	Mar. 16, 2010	Case	 	4 9 14 S.Ct.
Distinguished by NEGATIVE	83. Carroll v. Renico 475 F.3d 708, 713+, 6th Cir.(Mich.) CRIMINAL JUSTICE - Jury. Trial court's investigation of alleged improper contact with jurors was adequate.	Feb. 02, 2007	Case	 	1 9 13 S.Ct.
Distinguished by NEGATIVE	84. Parker v. Haley 2005 WL 8158845, *61+, N.D.Ala. John Forrest Parker, hereinafter referred to as petitioner, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Parker is represented by counsel. On June 6,...	Sep. 30, 2005	Case	 	3 14 S.Ct.
Distinguished by NEGATIVE	85. Green v. U.S. Dist. Court 2002 WL 31548086, *2+, D.Minn. Petitioner Mack Al Green ("Green") has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. In a Report and Recommendation dated April 30, 2001, United States...	Nov. 12, 2002	Case	 	6 7 8 S.Ct.

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Distinguished by NEGATIVE	86. Bestfoods v. Aerojet-General Corp.  173 F.Supp.2d 729, 756+, W.D.Mich. ENVIRONMENTAL LAW - CERCLA. Corporation's oversight of subsidiary was within norms, defeating CERCLA cost recovery claim.	Nov. 09, 2001	Case	  	3 S.Ct.
Distinguished by NEGATIVE	87. In re Welfare of G.L.H.  614 N.W.2d 718, 722+, Minn. FAMILY LAW - Child Protection. Mother validly waived her statutory right to counsel in proceeding to terminate her parental rights.	July 20, 2000	Case	  	1 9 S.Ct.
Distinguished by NEGATIVE	88. People v. Bravo  238 Cal.Rptr. 282, 284+, Cal. Defendant was convicted in the Superior Court, Orange County, James O. Perez, J., upon his guilty plea, of possession of cocaine for sale and of possession of concealable firearm,...	July 09, 1987	Case	  	2 9 S.Ct.
Distinguished by NEGATIVE	89. U.S. v. Nolan  571 F.2d 528, 533+, 10th Cir.(Okla.) Petitioner, who had been convicted of conspiracy to use interstate facilities for gambling purposes and use of such facilities to carry on unlawful gambling business, moved to...	Feb. 28, 1978	Case	  	3 9 S.Ct.
Distinguished by NEGATIVE	90. Rivera Escute v. Delgado, Alcaide  80 D.P.R. 830, 834+, P.R. Solicitudinteresando la expedición de un auto de hábeas corpus. Sin lugar el recurso.	Dec. 16, 1958	Case	  	—
Distinguished by NEGATIVE	91. Centers v. Sanford   120 F.2d 217, 217+, C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Proceeding by Blake Centers against Joseph W. Sanford, Warden,...	June 03, 1941	Case	  	7 9 14 S.Ct.
Distinguished by NEGATIVE	92. Logan v. Johnston  28 F.Supp. 98, 99+, N.D.Cal. Habeas corpus proceeding by Harry James Logan against James A. Johnston, Warden, U.S. Penitentiary, Alcatraz, California, for petitioner's release from United States Penitentiary...	June 27, 1939	Case	  	9 S.Ct.
Discussed by	93. Berghuis v. Thompkins  130 S.Ct. 2250, 2262+, U.S. CRIMINAL JUSTICE - Confessions. Defendant's silence during majority of interrogation did not invoke his right to remain silent under Miranda.	June 01, 2010	Case	  	9 S.Ct.
Discussed by	94. Maryland v. Shatzer  130 S.Ct. 1213, 1219+, U.S.Md. CRIMINAL JUSTICE - Counsel. Break in custody for 14 days ends Edwards protection against interrogation after suspect asserts right to counsel.	Feb. 24, 2010	Case	  	4 9 S.Ct.

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Discussed by	 95. Iowa v. Tovar  124 S.Ct. 1379, 1381+, U.S.Iowa CRIMINAL JUSTICE - Counsel. Acceptance of waiver of counsel at plea hearing did not require rigid, detailed admonition.	Mar. 08, 2004	Case	  	 9  13 S.Ct.
Discussed by	 96. Godinez v. Moran  113 S.Ct. 2680, 2682+, U.S.Nev. Competency. Competency standard for pleading guilty or waiving right to counsel is same as competency standard for standing trial.	June 24, 1993	Case	  	 4  9  13 S.Ct.
Discussed by	 97. Parke v. Raley  113 S.Ct. 517, 523+, U.S.Ky. Recidivists. "Burden-shifting" feature of Kentucky's recidivist statute did not violate due process.	Dec. 01, 1992	Case	  	 11  12 S.Ct.
Discussed by	98. Jells v. Ohio  111 S.Ct. 1020, 1021+, U.S.Ohio Case below, 45 Ohio St.3d 703, 543 N.E.2d 809; 45 Ohio St.3d 714, 545 N.E.2d 903; 46 Ohio St.3d 710, 546 N.E.2d 945; 53 Ohio St.3d 22, 559 N.E.2d 464; 54 Ohio St.3d 710, 561...	Feb. 19, 1991	Case	  	 2 S.Ct.
Discussed by	 99. Patterson v. Illinois  108 S.Ct. 2389, 2394+, U.S.Ill. Defendant was convicted in the Circuit Court, Cook County, of murder and defendant appealed. The Illinois Appellate Court, 140 Ill.App.3d 421, 94 Ill.Dec. 890, 488 N.E.2d 1283,...	June 24, 1988	Case	  	 9 S.Ct.
Discussed by	 100. Michigan v. Jackson  106 S.Ct. 1404, 1409+, U.S.Mich. Defendant was convicted in the Circuit Court, Jackson County, of first-degree murder, and he appealed. The Court of Appeals, 106 Mich.App. 397, 308 N.W.2d 230, affirmed. On...	Apr. 01, 1986	Case	  	 2 S.Ct.
Discussed by	 101. Moran v. Burbine  106 S.Ct. 1135, 1140+, U.S.R.I. Following his conviction for murder and the affirmation of that conviction by the Rhode Island Supreme Court, 451 A.2d 22, defendant petitioned for federal habeas corpus relief. ...	Mar. 10, 1986	Case	  	 2  9 S.Ct.
Discussed by	102. James v. Arizona  105 S.Ct. 398, 400+, U.S.Ariz. Case below, 141 Ariz. 141, 685 P.2d 1293.	Nov. 05, 1984	Case	  	 4  9 S.Ct.
Discussed by	 103. Edwards v. Arizona  101 S.Ct. 1880, 1884+, U.S.Ariz. Defendant was convicted in an Arizona state court of robbery, burglary and first-degree murder, and he appealed. The Arizona Supreme Court, 122 Ariz. 206, 594 P.2d 72, affirmed...	May 18, 1981	Case	  	 4  9 S.Ct.

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Discussed by	 104. North Carolina v. Butler  99 S.Ct. 1755, 1758+, U.S.N.C. After defendant was convicted in a North Carolina trial court of kidnapping, armed robbery and felonious assault, his conviction was reversed by the North Carolina Supreme Court,....	Apr. 24, 1979	Case		 S.Ct.
Discussed by	 105. Wainwright v. Sykes  97 S.Ct. 2497, 2502+, U.S.Fla. In habeas corpus proceeding brought by state prisoner, contending that he had not understood Miranda rights before making statement, the United States District Court for the Middle...	June 23, 1977	Case		 S.Ct.
Discussed by	 106. Brewer v. Williams  97 S.Ct. 1232, 1235+, U.S.Iowa State prisoner convicted of murder petitioned for writ of habeas corpus. The United States District Court for the Southern District of Iowa, 375 F.Supp. 170, granted the petition...	Mar. 23, 1977	Case		  S.Ct.
Discussed by	 107. Francis v. Henderson  96 S.Ct. 1708, 1712+, U.S.La. After petitioner was convicted in state court of felony-murder, he sought collateral relief from a state court on the ground that Negroes had been excluded from the grand jury that...	May 03, 1976	Case		 S.Ct.
Discussed by	 108. Gosa v. Mayden  93 S.Ct. 2926, 2941+, U.S.Fla. The United States District Court for the Northern District of Florida, 305 F.Supp. 1186, denied habeas corpus relief to petitioner, whose conviction by a general court-martial of...	June 25, 1973	Case		  S.Ct.
Discussed by	 109. U.S. v. Ash  93 S.Ct. 2568, 2573+, U.S.Dist.Col. By a judgment of the United States District Court for the District of Columbia the defendant was convicted of entering a federally insured bank with intent to commit robbery and...	June 21, 1973	Case		 S.Ct.
Discussed by	 110. Schneckloth v. Bustamonte  93 S.Ct. 2041, 2051+, U.S.Cal. State prisoner brought petition for habeas corpus. The United States District Court for the Northern District of California denied the petition, and the prisoner appealed. The...	May 29, 1973	Case		   S.Ct.
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Treatment	Title	Date	Type	Depth	Headnote(s)			
Discussed by	 112. <i>Miranda v. Arizona</i> 86 S.Ct. 1602, 1628+, U.S.Ariz. Criminal prosecutions. The Superior Court, Maricopa County, Arizona, rendered judgment, and the Supreme Court of Arizona, 98 Ariz. 18, 401 P.2d 721, affirmed. The Supreme Court,....	June 13, 1966	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> <tr><td>13</td></tr> </table> S.Ct.	9	13	
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Discussed by	 113. <i>Gideon v. Wainwright</i> 83 S.Ct. 792, 794+, U.S.Fla. The petitioner brought habeas corpus proceedings against the Director of the Division of Corrections. The Florida Supreme Court, 135 So.2d 746, denied all relief, and the...	Mar. 18, 1963	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>1</td></tr> <tr><td>5</td></tr> </table> S.Ct.	1	5	
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Discussed by	 114. <i>Fay v. Noia</i> 83 S.Ct. 822, 832+, U.S.N.Y. Proceeding upon application by state prisoner for writ of habeas corpus on ground that he had been deprived of his constitutional rights because he had been convicted on basis of a...	Mar. 18, 1963	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> </table> S.Ct.	9		
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Discussed by	 115. <i>Oyler v. Boles</i>  82 S.Ct. 501, 509+, U.S.W.Va. State prisoners' habeas corpus proceedings commenced in the Supreme Court of Appeals of West Virginia challenging validity of proceedings, under recidivist statute, against them. ...	Feb. 19, 1962	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> </table> S.Ct.	9		
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Discussed by	 116. <i>U.S. v. Morgan</i> 74 S.Ct. 247, 249+, U.S.N.Y. Proceeding upon alleged motion in nature of writ of error coram nobis to set aside conviction and sentence had in prior federal criminal case. The United States District Court for...	Jan. 04, 1954	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> <tr><td>13</td></tr> </table> S.Ct.	9	13	
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Discussed by	 117. <i>Von Moltke v. Gillies</i>  68 S.Ct. 316, 317+, U.S.Mich. Habeas corpus proceeding by Marianna von Moltke against A. Blake Gillies, Superintendent of the Detroit House of Correction. Judgment dismissing the petition, 72 F.Supp. 994, was...	Jan. 19, 1948	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> <tr><td>13</td></tr> </table> S.Ct.	9	13	
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Discussed by	 118. <i>Adams v. U.S. ex rel. McCann</i> 63 S.Ct. 236, 240+, U.S.N.Y. On Writ of Certiorari to the United States Circuit Court of Appeals for the Second Circuit. Habeas corpus proceeding by the United States on the relation of Gene McCann against...	Dec. 21, 1942	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>1</td></tr> <tr><td>4</td></tr> <tr><td>9</td></tr> </table> S.Ct.	1	4	9
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Discussed by	 119. <i>Betts v. Brady</i> 62 S.Ct. 1252, 1256+, U.S.Md. Mr. Justice BLACK, Mr. Justice DOUGLAS, and Mr. Justice MURPHY dissenting. On Petition for Writ of Certiorari to Hon. Carroll T. Bond, a Judge of the State of Maryland, being a...	June 01, 1942	Case		<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>1</td></tr> </table> S.Ct.	1		
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Discussed by	126. Jones v. Murphy 694 F.3d 225, 237+ , 2nd Cir.(Conn.) CRIMINAL JUSTICE - Habeas Corpus. Habeas relief was precluded for defendant whose right to be present in courtroom for his murder trial was not violated.	Aug. 29, 2012	Case		2 3 S.Ct.
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Discussed by	 140. Erie Telecommunications, Inc. v. City of Erie, Pa. 853 F.2d 1084, 1094+ , 3rd Cir.(Pa.) Cable operator commenced action against city, challenging validity of franchise agreement and related side access agreement. The United States District Court for the Western...	July 28, 1988	Case	  	2 9 S.Ct.
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Discussed by	 142. U.S. v. McFadden 630 F.2d 963, 970+ , 3rd Cir.(Pa.) Defendant was convicted in the United States District Court for the Western District of Pennsylvania, Gerald J. Weber, Chief Judge, of possession of heroin with intent to...	Sep. 15, 1980	Case	  	9 S.Ct.
Discussed by	143. Government of Virgin Islands v. Parrott 476 F.2d 1058, 1061+ , 3rd Cir.(Virgin Islands) Defendant was convicted in the District Court of the Virgin Islands, Division of St. Thomas and St. John, Almeric L. Christian, Chief Judge, of robbery, and he appealed. The Court...	Apr. 18, 1973	Case	  	4 9 S.Ct.
Discussed by	144. U. S. ex rel. Payton v. Rundle 472 F.2d 36, 39+ , 3rd Cir.(Pa.) On appeal by the Commonwealth from an order of the United States District Court for the Middle District of Pennsylvania, Michael Sheridan, J., granting a petition for a writ of...	Dec. 21, 1972	Case	  	9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	145. U. S. v. Steese 144 F.2d 439, 441+ , C.C.A.3 (Pa.) BIGGS, Circuit Judge, concurring in part and dissenting in part. Appeal from the District Court of the United States for the Eastern District of Pennsylvania; William H....	Aug. 25, 1944	Case		1 9 13 S.Ct.
Discussed by	146. Jones v. Zych 812 Fed.Appx. 115, 123+ , 4th Cir.(Va.) CRIMINAL JUSTICE — Sentencing. Rule announced in Alleyne did not apply retroactively on collateral review of court's determination that defendant discharged firearm during crime of...	Apr. 23, 2020	Case		—
Discussed by	147. Rivera v. Mathena 795 Fed.Appx. 169, 173+ , 4th Cir.(Va.) CRIMINAL JUSTICE — Sentencing. Factual issue as to chances given to inmate to shower and exercise precluded summary judgment on Eighth Amendment conditions-of-confinement claim.	Nov. 19, 2019	Case		2 3 S.Ct.
Discussed by	148. U.S. v. Thompson 191 Fed.Appx. 185, 189+ , 4th Cir.(Va.) CRIMINAL JUSTICE - Indigents. Defendant charged with violations of the Controlled Substances Act validly waived his Sixth Amendment right to counsel.	July 25, 2006	Case		1 9 13 S.Ct.
Discussed by	149. U.S. v. Owen 407 F.3d 222, 230+ , 4th Cir.(N.C.) CRIMINAL JUSTICE - Counsel. Defendant's lack of counsel at arraignment was subject to harmless-error analysis, not cause for automatic reversal.	May 05, 2005	Case		4 9 S.Ct.
Discussed by	150. Oken v. Corcoran 220 F.3d 259, 265+ , 4th Cir.(Md.) CRIMINAL JUSTICE - Counsel. Alleged deficient performance of counsel did not prejudice capital defendant.	July 18, 2000	Case		9 S.Ct.
Discussed by	151. Bullock v. Thompson 966 F.2d 1441, 1441+ , 4th Cir.(Va.) E.D.Va. AFFIRMED	June 22, 1992	Case		1 4 9 S.Ct.
Discussed by	152. U.S. v. Clements 713 F.2d 1030, 1035+ , 4th Cir.(W.Va.) Defendant was convicted after jury trial in the United States District Court for the Northern District of West Virginia, at Parkersburg, Charles H. Haden, II, Chief Judge, of...	July 28, 1983	Case		4 9 S.Ct.
Discussed by	153. U.S. v. Johnson 659 F.2d 415, 416+ , 4th Cir.(Va.) Defendant appealed from an order of the United States District Court for the Eastern District of Virginia, J. Calvitt Clarke, Jr., J., finding him in contempt of court for failure...	Sep. 11, 1981	Case		1 4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	154. Parker v. Ross 470 F.2d 1092, 1094+, 4th Cir.(N.C.) Habeas corpus proceeding. The United States District Court for the Eastern District of North Carolina, Algernon L. Butler, Chief Judge, granted writ, 330 F.Supp. 13, and the state...	Dec. 20, 1972	Case		8 9 13 S.Ct.
Discussed by	155. McNeil v. State of N.C. 368 F.2d 313, 315+, 4th Cir.(N.C.) Proceeding on petition for habeas corpus by petitioner who had been convicted of second-degree burglary a trial in which Negroes were allegedly systematically excluded from jury. ...	Sep. 08, 1966	Case		7 14 S.Ct.
Discussed by	156. Post v. Boles 332 F.2d 738, 740+, 4th Cir.(W.Va.) Habeas corpus proceeding by state prisoner. The United States District Court for the Northern District of West Virginia, at Wheeling, Charles F. Paul, J., 218 F.Supp. 658, denied...	May 19, 1964	Case		9 13 14 S.Ct.
Discussed by	157. Behrens v. Hironimus 166 F.2d 245, 247+, C.C.A.4 (W.Va.) Appeal from the District Court of the United States for the Southern District of West Virginia, at Charleston; Ben Moore, District Judge. Suit by Theresa Behrens against Helen...	Feb. 18, 1948	Case		7 9 13 S.Ct.
Discussed by	158. United States v. del Carpio Frescas 932 F.3d 324, 340+, 5th Cir.(Tex.) CRIMINAL JUSTICE — Fraud. Evidence that defendant in transnational Ponzi scheme case acted with specific intent to defraud was sufficient to support conviction for wire fraud.	July 29, 2019	Case		3 S.Ct.
Discussed by	159. Salts v. Epps 676 F.3d 468, 476+, 5th Cir.(Miss.) CRIMINAL JUSTICE - Counsel. Trial counsel's motion for separate counsel triggered court's duty to investigate any conflict of interest.	Mar. 29, 2012	Case		2 S.Ct.
Discussed by	160. Pace v. Bogalusa City School Bd. 403 F.3d 272, 277+, 5th Cir.(La.) EDUCATION - Disabled Students. State waived immunity from disabled students' IDEA and Rehabilitation Act claims.	Mar. 08, 2005	Case		2 S.Ct.
Discussed by	161. Nose v. Attorney General of U.S. 993 F.2d 75, 79+, 5th Cir.(Tex.) Illegal alien filed complaint against the Attorney General of the United States and others seeking to have the district court declare unlawful and enjoin the Government's...	June 11, 1993	Case		9 S.Ct.
Discussed by	162. U.S. v. Atkins 834 F.2d 426, 435+, 5th Cir.(Tex.) Defendant moved to correct illegal sentence on ground of double jeopardy violation. The United States District Court for the Western District of Texas, Lucius Desha Bunton, III,...	Dec. 08, 1987	Case		9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 163. Potts v. Zant  638 F.2d 727, 741+, 5th Cir.(Ga.) Petitioner appealed from an order of the United States District Court for the Northern District of Georgia, William C. O'Kelley, J., 492 F.Supp. 326, as well as another order by...	Feb. 17, 1981	Case	  	 3 S.Ct.
Discussed by	 164. Jurek v. Estelle 623 F.2d 929, 953+, 5th Cir.(Tex.) Petitioner, who was convicted of capital murder and sentenced to death in state court, petitioned for writ of habeas corpus. The United States District Court for the Southern...	Aug. 11, 1980	Case	  	 9  13 S.Ct.
Discussed by	165. Gray v. Estelle 616 F.2d 801, 803+, 5th Cir.(Tex.) After remand, 574 F.2d 209, the United States District Court for the Southern District of Texas, Ross N. Sterling, J., denied petition for writ of habeas corpus, and appeal was...	May 07, 1980	Case	 	 1  4  9 S.Ct.
Discussed by	 166. Taylor v. Hopper 596 F.2d 1284, 1292+, 5th Cir.(Ga.) United States District Court for the Middle District of Georgia, J. Robert Elliott, Chief Judge, denied convicted defendant's petition for writ of habeas corpus, and defendant...	June 15, 1979	Case	  	 4  9 S.Ct.
Discussed by	 167. U.S. v. Bobo 586 F.2d 355, 363+, 5th Cir.(Ala.) Defendants were convicted in the United States District Court for the Northern District of Alabama, Clarence W. Allgood, J., of violating federal drug laws, and they appealed. The...	Nov. 30, 1978	Case	  	 9  13 S.Ct.
Discussed by	 168. U.S. v. Brown  569 F.2d 236, 238+, 5th Cir.(Fla.) Defendants were convicted in the United States District Court for the Southern District of Florida, William O. Mehrtens, Senior District Judge, of conspiracy to unlawfully steal...	Mar. 08, 1978	Case	 	 9 S.Ct.
Discussed by	169. Jiminez v. Estelle  557 F.2d 506, 508+, 5th Cir.(Tex.) Texas prisoner petitioned for writ of habeas corpus seeking relief from allegedly illegal 20-year sentence after Texas jury heard evidence of prior convictions under the Texas...	Aug. 12, 1977	Case	 	 14 S.Ct.
Discussed by	 170. Calley v. Callaway  519 F.2d 184, 195+, 5th Cir.(Ga.) Army officer who had been convicted by court-martial of premeditated murder and assault with intent to commit murder, arising out of incidents that took place in Vietnam, sought...	Sep. 10, 1975	Case	 	 9  14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 171. U.S. v. Garcia  517 F.2d 272, 276+, 5th Cir.(Tex.) In consolidated cases, government filed motion for determination of conflicts of interest of three defense attorneys. The United States District Court for the Southern District of...	Aug. 07, 1975	Case	  	 9 S.Ct.
Discussed by	 172. Aaron v. Capps  507 F.2d 685, 686+, 5th Cir.(Ala.) State prisoner sought writ of habeas corpus to secure his release from imprisonment for forcible rape. The United States District Court for the Middle District of Alabama, Frank...	Feb. 03, 1975	Case	  	 3 S.Ct.
Discussed by	 173. Mitchell v. U.S.  482 F.2d 289, 294+, 5th Cir.(Fla.) Motion was made to vacate sentence on ground that sentencing court had improperly taken into account prior convictions which were invalid by reason of alleged denial of defendant's...	Aug. 16, 1973	Case	 	 9 13 S.Ct.
Discussed by	 174. U.S. v. Beard  436 F.2d 1084, 1088+, 5th Cir.(Tex.) Defendant was convicted before the United States District Court for the Western District of Texas, Adrian A. Spears, Chief Judge, with respect to certain funds of a mutual aid...	Jan. 04, 1971	Case	  	 2 S.Ct.
Discussed by	 175. U.S. v. Lucia  416 F.2d 920, 921+, 5th Cir.(Tex.) Proceeding on motion, in nature of writ of error coram nobis to vacate and set aside convictions and sentences for attempted evasion of federal excise tax on wagering and...	Sep. 17, 1969	Case	  	 3 S.Ct.
Discussed by	176. Molognaro v. Smith  408 F.2d 795, 798+, 5th Cir.(Ga.) Habeas corpus proceeding. After remand, 373 F.2d 729, the United States District Court for the Southern District of Georgia, Frank M. Scarlett, J., denied the writ and the...	Mar. 18, 1969	Case	  	 4 9 13 S.Ct.
Discussed by	 177. Stubblefield v. Beto  399 F.2d 424, 425+, 5th Cir.(Tex.) Habeas corpus proceeding. The United States District Court for the Southern District of Texas, Joe Ingraham, J., denied petition, and appeal was taken. The Court of Appeals held...	July 24, 1968	Case	  	 1 9 S.Ct.
Discussed by	178. McConnell v. U.S.  375 F.2d 905, 909+, 5th Cir.(Ala.) Prosecution upon a three-count indictment charging violation of narcotics laws of United States. The United States District Court for the Southern District of Alabama, Daniel...	Apr. 11, 1967	Case	 	 4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	179. Nash v. U.S. 342 F.2d 366, 368+, 5th Cir.(Tex.) Proceeding on motion attacking sentence. The United States District Court for the Western District of Texas, Adrian A. Spears, Chief Judge, denied relief, and the petitioner...	Feb. 23, 1965	Case		9 11 13 S.Ct.
Discussed by	180. Whitus v. Balkcom 333 F.2d 496, 498+, 5th Cir.(Ga.) Habeas corpus proceeding by convicted Negro defendant on ground of systematic exclusion of Negroes from jury service. The United States District Court for the Southern District of...	June 18, 1964	Case		2 5 S.Ct.
Discussed by	181. Twining v. U.S. 321 F.2d 432, 434+, 5th Cir.(La.) Proceeding on a motion to vacate judgment and sentence imposed upon guilty plea. The United States District Court for the Eastern District of Louisiana, Herbert W. Christenberry,...	Aug. 05, 1963	Case		13 S.Ct.
Discussed by	182. Proffer v. U.S. 288 F.2d 182, 183+, 5th Cir.(Tex.) The defendants, convicted in the United States District Court for the Northern District of Texas, T. Whitfield Davidson, J., of mail fraud and selling stock, by false and...	Mar. 16, 1961	Case		1 4 9 S.Ct.
Discussed by	183. Gordon v. U.S. 216 F.2d 495, 495+, 5th Cir.(Ga.) Proceeding on petition to set aside a conviction after sentence had been completely served. From order of the United States District Court for the Northern District of Georgia,....	Nov. 04, 1954	Case		1 9 S.Ct.
Discussed by	184. Kent v. Sanford 121 F.2d 216, 217+, C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Habeas corpus proceeding by Earl Edward Kent against Joseph W....	June 23, 1941	Case		1 9 S.Ct.
Discussed by	185. Adkins v. Sanford 120 F.2d 471, 471+, C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Habeas corpus by Robert B. Adkins against Joseph W. Sanford,....	June 09, 1941	Case		1 9 S.Ct.
Discussed by	186. Sanford v. Robbins 115 F.2d 435, 437+, C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Habeas corpus proceeding by William B. Robbins against Joseph....	Nov. 15, 1940	Case		9 S.Ct.
Discussed by	187. Saylor v. Sanford 99 F.2d 605, 606+, C.C.A.5 (Ga.) Appeal from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Habeas corpus proceeding by Julian K. Saylor against J. W....	Nov. 04, 1938	Case		1 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	188. United States v. Bell 661 Fed.Appx. 318, 323+ , 6th Cir.(Mich.) CRIMINAL JUSTICE — Sentencing. District court did not plainly err in failing to analyze defendant's prior conviction under categorical approach.	Sep. 08, 2016	Case		3 S.Ct.
Discussed by	189. Davie v. Mitchell 547 F.3d 297, 306+ , 6th Cir.(Ohio) CRIMINAL JUSTICE - Confessions. Police did not violate defendant's Miranda rights in questioning him about murders.	Nov. 12, 2008	Case		2 9 S.Ct.
Discussed by	190. Swiger v. Brown 86 Fed.Appx. 877, 880+ , 6th Cir.(Ohio) CRIMINAL JUSTICE - Counsel. Petitioner's waiver of counsel was knowing, voluntary, and intelligent.	Jan. 27, 2004	Case		1 4 9 S.Ct.
Discussed by	191. Mack v. Holt 62 Fed.Appx. 577, 580+ , 6th Cir.(Mich.) CRIMINAL JUSTICE - Habeas Corpus. State court's conclusion that defendant voluntarily represented himself did not warrant habeas relief.	Mar. 21, 2003	Case		4 9 S.Ct.
Discussed by	192. Carter v. Sowders 5 F.3d 975, 981+ , 6th Cir.(Ky.) Federal habeas corpus petitioner's conviction for possession of marijuana and trafficking in LSD was affirmed on direct appeal by the Supreme Court of Kentucky, 782 S.W.2d 597. ...	Sep. 27, 1993	Case		9 S.Ct.
Discussed by	193. Rosenthal v. Henderson 389 F.2d 514, 516+ , 6th Cir.(Tenn.) Habeas corpus proceeding. The United States District Court for the Middle District of Tennessee, William E. Miller, Chief Judge, granted relief and appeal was taken. The Court of...	Feb. 14, 1968	Case		13 S.Ct.
Discussed by	194. Butzman v. U.S. 205 F.2d 343, 351+ , 6th Cir.(Ohio) Separate prosecutions for falsely and fraudulently executing document required by Internal Revenue Laws and for aiding and advising in preparation of such document. The United...	June 22, 1953	Case		2 4 9 S.Ct.
Discussed by	195. Kubsch v. Neal 800 F.3d 783, 811+ , 7th Cir.(Ind.) CRIMINAL JUSTICE - Evidence. Excluding hearsay alibi evidence did not violate the right to present a defense.	Aug. 12, 2015	Case		4 13 S.Ct.
Discussed by	196. Crayton v. U.S. 799 F.3d 623, 626+ , 7th Cir.(Wis.) CRIMINAL JUSTICE - Postconviction Relief. Rule of Alleyne v. United States did not apply retroactively to initial petition for collateral review.	June 25, 2015	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	197. U.S. v. Pree 408 F.3d 855, 872+, 7th Cir.(Ill.) CRIMINAL JUSTICE - Sentencing. Limited remand was required to resolve question of whether restitution in any amount should have been imposed.	May 20, 2005	Case		3 S.Ct.
Discussed by	198. U.S. v. Pree 384 F.3d 378, 395+, 7th Cir.(Ill.) CRIMINAL JUSTICE - Taxes. Evidence supported convictions for filing false tax returns.	Sep. 14, 2004	Case		3 9 S.Ct.
Discussed by	199. U.S. v. Hill 252 F.3d 919, 923+, 7th Cir.(Ill.) CRIMINAL JUSTICE - Counsel. Defendant made knowing and intelligent waiver of right to counsel when he elected to represent himself.	June 05, 2001	Case		9 S.Ct.
Discussed by	200. Cuppett v. Duckworth 8 F.3d 1132, 1137+, 7th Cir.(Ind.) Petitioner filed petition for writ of habeas corpus challenging decision of Indiana Supreme Court, 448 N.E.2d 298, enhancing his sentence for robbery conviction from 10 to 40 years...	Oct. 08, 1993	Case		9 13 S.Ct.
Discussed by	201. Trustees of Indiana University v. Aetna Cas. & Sur. Co. 920 F.2d 429, 437+, 7th Cir.(Ind.) University brought action against construction contractor's surety alleging breach of contract after brickwork in newly-constructed buildings deteriorated. The United States...	Dec. 11, 1990	Case		3 S.Ct.
Discussed by	202. U.S. ex rel. Wandick v. Chrans 869 F.2d 1084, 1087+, 7th Cir.(Ill.) Following exhaustion of state law remedies, homicide defendant convicted in state court brought habeas corpus petition. The United States District Court for the Central District...	Mar. 15, 1989	Case		2 3 9 S.Ct.
Discussed by	203. Quadrini v. Clusen 864 F.2d 577, 583+, 7th Cir.(Wis.) Following exhaustion of state remedies, defendant filed petition for writ of habeas corpus claiming his confession was involuntary. The United States District Court for the...	Jan. 11, 1989	Case		7 S.Ct.
Discussed by	204. U.S. v. Moya-Gomez 860 F.2d 706, 731+, 7th Cir.(Wis.) Defendants were convicted in the United States District Court for the Eastern District of Wisconsin, Terence T. Evans, J., of narcotics offenses and they appealed. The Court of...	Sep. 30, 1988	Case		4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 205. U.S. v. Cirrincione  780 F.2d 620, 624+, 7th Cir.(Ill.) Defendants were convicted in the United States District Court for the Northern District of Illinois, Susan Getzendanner, J., 600 F.Supp. 1436, of conspiring to bomb several of a...	Dec. 11, 1985	Case	   	 9 S.Ct.
Discussed by	 206. U.S. ex rel. Williams v. DeRobertis  715 F.2d 1174, 1178+, 7th Cir.(Ill.) Appeal was taken from a decision of the United States District Court for the Eastern District of Illinois, 538 F.Supp. 899, Prentice H. Marshall, J., which granted summary judgment...	Aug. 19, 1983	Case	   	 13 S.Ct.
Discussed by	207. U.S. v. Verkuilen  690 F.2d 648, 658+, 7th Cir.(Ill.) Defendant was convicted after jury trial in the United States District Court for the Northern District of Illinois, Eastern Division, Bernard M. Decker, J., of failing to file...	Oct. 06, 1982	Case	  	 4  9 S.Ct.
Discussed by	 208. U.S. v. Spears  671 F.2d 991, 993+, 7th Cir.(Ill.) Defendant was convicted before the United States District Court for the Northern District of Illinois, Charles P. Kocoras, J., of distributing heroin, and he appealed. The Court...	Jan. 13, 1982	Case	  	 3 S.Ct.
Discussed by	209. U. S. ex rel. Smith v. Pavich  568 F.2d 33, 38+, 7th Cir.(Ill.) Illinois prisoner sought habeas corpus relief on ground that he had been denied his constitutional right to effective assistance of counsel. The United States District Court for...	Jan. 04, 1978	Case	  	 9  14 S.Ct.
Discussed by	 210. U.S. v. Spomar  339 F.2d 941, 942+, 7th Cir.(Ill.) Prosecution for willfully and knowingly attempting to evade income tax due and owing. The United States District Court for the Northern District of Illinois, Eastern Division,....	Dec. 30, 1964	Case	  	 9 S.Ct.
Discussed by	 211. Potter v. Dowd  146 F.2d 244, 246+, C.C.A.7 (Ind.) Appeal from the District Court of the United States for the Northern District of Indiana, South Bend Division; Luther M. Swygert, Judge. Habeas corpus proceeding by Charles W....	Dec. 08, 1944	Case	  	 5  9  10 S.Ct.
Discussed by	212. U.S. v. Wagoner  143 F.2d 1, 3+, C.C.A.7 (Ind.) MAJOR, Circuit Judge, dissenting. Appeal from the District Court of the United States for the Northern District of Indiana, Fort Wayne Division; Charles G. Briggle, Judge. William...	June 02, 1944	Case	  	 9  13  14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	213. Koenig v. North Dakota 755 F.3d 636, 640+, 8th Cir.(N.D.) CRIMINAL JUSTICE - Habeas Corpus. Determination that petitioner was not entitled to counsel on direct appeal was contrary to clearly established law.	June 19, 2014	Case		2 4 S.Ct.
Discussed by	214. Krentz v. Robertson 228 F.3d 897, 908+, 8th Cir.(Mo.) LABOR AND EMPLOYMENT - Public Employment. Fire chief waived due process claim by failing to seek hearing under Missouri Administrative Procedure Act.	Oct. 06, 2000	Case		2 3 5 S.Ct.
Discussed by	215. Abdullah v. Groose 44 F.3d 692, 694+, 8th Cir.(Mo.) Defendant, following decision of the Missouri Court of Appeals, 743 S.W.2d 592, affirming his conviction for unlawful use of weapon, petitioned for writ of habeas corpus. The...	Jan. 11, 1995	Case		9 14 S.Ct.
Discussed by	216. U.S. v. Cree 778 F.2d 474, 484+, 8th Cir.(N.D.) Defendant was convicted in the United States District Court for the District of North Dakota, Paul Benson, Chief Judge, of assault resulting in serious bodily injury to two young...	Dec. 04, 1985	Case		3 S.Ct.
Discussed by	217. Williams v. Brewer 509 F.2d 227, 232+, 8th Cir.(Iowa) Petition for federal habeas corpus by state prisoner. The United States District Court for the Southern District of Iowa, William C. Hanson, Chief Judge, 375 F.Supp. 170, granted...	Dec. 31, 1974	Case		3 S.Ct.
Discussed by	218. Employees of Dept. of Public Health and Welfare, State of Mo. v. Department of Public Health and Welfare, State of Mo. 452 F.2d 820, 824+, 8th Cir.(Mo.) Action by state's hospital and training school employees for overtime compensation. The United States District Court for the Western District of Missouri, William H. Becker, Chief...	Nov. 11, 1971	Case		2 3 S.Ct.
Discussed by	219. U.S. v. Warner 428 F.2d 730, 733+, 8th Cir.(Mo.) Prosecution for making fraudulent entries on income tax returns prepared for others. The United States District Court for the Eastern District of Missouri, James H. Meredith, J.,...	June 08, 1970	Case		4 8 9 S.Ct.
Discussed by	220. U. S. ex rel. Miner v. Erickson 428 F.2d 623, 626+, 8th Cir.(S.D.) Proceeding on state prisoner's petition for writ of habeas corpus. The United States District Court for the District of South Dakota, Fred J. Nichol, Chief Judge, 303 F.Supp. 960,...	June 05, 1970	Case		4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	221. Minor v. U.S. 375 F.2d 170, 172+, 8th Cir.(Ark.) Defendant was convicted on verdict in the United States District Court for the Eastern District of Arkansas, Gordon E. Young, J., of interstate transportation of a stolen...	Mar. 13, 1967	Case		1 9 S.Ct.
Discussed by	222. Burch v. U.S. 359 F.2d 69, 71+, 8th Cir.(Ark.) The defendant was convicted in the United States District Court for the Western District of Arkansas, John E. Miller, J., of violating the Dyer Act by transporting stolen motor...	Apr. 11, 1966	Case		1 9 S.Ct.
Discussed by	223. Smith v. U.S. 339 F.2d 519, 526+, 8th Cir.(Mo.) Proceeding on motion to vacate and set aside judgment and commitment. The United States District Court for the Eastern District of Missouri, James H. Meredith, J., denied relief,...	Dec. 30, 1964	Case		11 S.Ct.
Discussed by	224. Ashley v. Pescor 147 F.2d 318, 319+, C.C.A.8 (Mo.) Appeal from the District Court of the United States for the Western District of Missouri; Albert L. Reeves, Judge. Petition for writ of habeas corpus by James R. Ashley against Dr....	Jan. 08, 1945	Case		9 10 S.Ct.
Discussed by	225. Mothershead v. King 112 F.2d 1004, 1006+, C.C.A.8 (Mo.) Appeal from the District Court of the United States for the Western District of Missouri; Albert L. Reeves, Judge. Habeas corpus proceeding by James Mothershead against Dr. Marion...	June 29, 1940	Case		9 13 S.Ct.
Discussed by	226. Thompson v. King 107 F.2d 307, 308+, C.C.A.8 (Mo.) Appeal from the District Court of the United States for the Western District of Missouri; Albert L. Reeves, Judge. Proceeding on a petition for writ of habeas corpus by Grover...	Nov. 20, 1939	Case		9 14 S.Ct.
Discussed by	227. Alvarez v. Tracy 773 F.3d 1011, 1026+, 9th Cir.(Ariz.) NATIVE AMERICANS - Crimes. Federal court declined to exercise jurisdiction over tribal member's habeas petition.	Dec. 08, 2014	Case		3 S.Ct.
Discussed by	228. U.S. v. Mitchell 502 F.3d 931, 985+, 9th Cir.(Ariz.) CRIMINAL JUSTICE - Death Penalty. Jury instruction on pecuniary gain was warranted in capital murder proceedings brought under the Federal Death Penalty Act.	Sep. 05, 2007	Case		3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	229. Douglas v. California Dept. of Youth Authority  285 F.3d 1226, 1228+ , 9th Cir.(Cal.) The panel has voted to deny and reject the suggestion for rehearing en banc. The full court was advised of the suggestion for rehearing en banc. A judge requested a vote on...	Apr. 12, 2002	Case	  	2 3 S.Ct.
Discussed by	 230. U.S. v. Akins  276 F.3d 1141, 1147+ , 9th Cir.(Wash.) CRIMINAL JUSTICE - Counsel. Court must inform misdemeanor defendant of dangers of self-representation at plea proceeding.	Jan. 10, 2002	Case	  	4 8 9 S.Ct.
Discussed by	 231. U.S. v. Akins  243 F.3d 1199, 1203+ , 9th Cir.(Wash.) CRIMINAL JUSTICE - Counsel. Misdemeanor defendant must be fully informed of consequences to validly waive counsel at plea stage.	Mar. 27, 2001	Case	  	4 8 9 S.Ct.
Discussed by	 232. Baker v. City of Blaine  221 F.3d 1108, 1111+ , 9th Cir.(Wash.) CRIMINAL JUSTICE - Habeas Corpus. State court's finding of knowing and intelligent waiver of right to counsel did not warrant habeas relief.	Aug. 09, 2000	Case	  	1 9 S.Ct.
Discussed by	 233. Baker v. City of Blaine  205 F.3d 1138, 1141+ , 9th Cir.(Wash.) CRIMINAL JUSTICE - Habeas Corpus. State court's finding of knowing and intelligent waiver of right to counsel did not warrant habeas relief.	Mar. 06, 2000	Case	 	1 9 S.Ct.
Discussed by	 234. Frazer v. U.S.  18 F.3d 778, 781+ , 9th Cir.(Cal.) Defendant was convicted of bank robbery. The United States District Court for the Central District of California, Richard A. Gadbois, Jr., J., then denied defendant's motion to...	Mar. 10, 1994	Case	  	1 9 S.Ct.
Discussed by	 235. U.S. v. Lopez-Vasquez  1 F.3d 751, 758+ , 9th Cir.(Cal.) Alien was convicted in the United States District Court for the Southern District of California, Marilyn L. Huff, J., of reentry after deportation, and he appealed. The Court of...	Feb. 08, 1993	Case	  	2 4 9 S.Ct.
Discussed by	 236. U.S. v. Martinez 883 F.2d 750, 756+ , 9th Cir.(Hawai'i) Defendant was convicted in the United States District Court for the District of Hawaii, Harold M. Fong, Chief Judge, of importing heroin and possession with intent to distribute...	Aug. 23, 1989	Case	 	3 4 S.Ct.
Discussed by	 237. Adamson v. Ricketts  789 F.2d 722, 727+ , 9th Cir.(Ariz.) Habeas corpus petition was filed. The United States District Court for the District of Arizona, C.A. Muecke, J., dismissed petition, and petitioner appealed. The Court of...	May 09, 1986	Case	 	2 3 5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 238. U.S. v. Rodriguez-Gastelum  569 F.2d 482, 488+, 9th Cir.(Ariz.) Defendant was convicted in the United States District Court for the District of Arizona, William C. Frey, J., of an offense arising out of transporting marijuana, and he appealed. ...	Jan. 30, 1978	Case	   	 4 9 S.Ct.
Discussed by	239. U. S. v. King  552 F.2d 833, 844+, 9th Cir.(Cal.) Defendants were convicted in the United States District Court for the Northern District of California, Samuel Conti, J., on a multiple-count indictment charging conspiracy to...	Dec. 16, 1976	Case	   	 3 9 S.Ct.
Discussed by	 240. U.S. v. Dujanovic 486 F.2d 182, 185+, 9th Cir.(Ariz.) Defendant was convicted in the United States District Court for the District of Arizona, William P. Copple, J., of failing to submit to induction, and he appealed. The Court of...	Oct. 15, 1973	Case	   	 4 9 13 S.Ct.
Discussed by	241. Wallace v. Chafee  451 F.2d 1374, 1376+, 9th Cir.(Cal.) Habeas corpus proceeding by courtmartialled reservist. The United States District Court for the Southern District of California, Howard B. Turrentine, J., 323 F.Supp. 902, granted...	Dec. 15, 1971	Case	  	 5 S.Ct.
Discussed by	242. Schram v. Cupp  436 F.2d 692, 694+, 9th Cir.(Or.) Habeas corpus proceeding by state prisoner. The United States District Court for the District of Oregon, Gus J. Solomon, Chief Judge, dismissed petition without evidentiary...	Nov. 25, 1970	Case	  	 9 13 S.Ct.
Discussed by	243. Hodge v. U.S.  414 F.2d 1040, 1042+, 9th Cir.(Cal.) Defendant was convicted of transportation of a stolen motor vehicle in foreign commerce, and from the judgment of the United States District Court for the Southern District of...	July 03, 1969	Case	  	 4 9 13 S.Ct.
Discussed by	244. Cunningham v. Heinze  352 F.2d 1, 3+, 9th Cir.(Cal.) State prisoner's habeas corpus proceeding. The United States District Court for the Northern District of California, Northern Division, Sherrill Halbert, J., dismissed the...	Oct. 18, 1965	Case	  	 7 S.Ct.
Discussed by	245. Leary v. U.S.  268 F.2d 623, 634+, 9th Cir.(Cal.) Defendant was convicted in the United States District Court for the Northern District of California, Southern Division, Edward Weinfeld, J., for knowingly possessing property...	May 18, 1959	Case	  	 9 14 S.Ct.

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Discussed by	 246. Hayman v. U.S. 187 F.2d 456, 458+, 9th Cir.(Cal.) Herman Hayman was found guilty on 6 counts of an indictment, and he filed a motion under 28 U.S.C.A. 2255 to set aside sentence. The United States District Court for the Southern...	Oct. 27, 1950	Case	  	 1  9  13 S.Ct.
Discussed by	247. Widmer v. Johnston  136 F.2d 416, 417+, C.C.A.9 (Cal.) Appeal from the District Court of the United States for the Northern District of California, Southern Division; A. F. St. Sure, Judge. Habeas corpus proceeding by James Widmer...	June 11, 1943	Case	  	 4  8  9 S.Ct.
Discussed by	248. Romero v. Squier 133 F.2d 528, 531+, C.C.A.9 (Wash.) Upon Appeal from the District Court of the United States for the Western District of Washington, Southern Division; Lloyd L. Black, Judge. Habeas corpus proceeding by Rufo C....	Jan. 29, 1943	Case	  	—
Discussed by	249. Graham v. Squier 132 F.2d 681, 683+, C.C.A.9 (Wash.) Appeal from the District Court of the United States for the Western District of Washington, Southern Division; Lloyd L. Black, Judge. Habeas corpus proceeding by Jack Graham...	Dec. 31, 1942	Case	 	 9  13  14 S.Ct.
Discussed by	250. Franzeen v. Johnston 111 F.2d 817, 819+, C.C.A.9 (Cal.) Appeal from the District Court of the United States for the Northern District of California, Southern Division; Michael J. Roche, Judge. Habeas corpus proceeding by Richard C....	May 09, 1940	Case	 	 9  13  14 S.Ct.
Discussed by	251. Garrison v. Johnston  104 F.2d 128, 130+, C.C.A.9 (Cal.) Appeal from the District Court of the United States for the Northern District of California, Southern Division; Adolphus F. St. Sure, Judge. Habeas corpus proceeding by Orville...	May 29, 1939	Case	  	 1  9 S.Ct.
Discussed by	252. Forthoffer v. Swope 103 F.2d 707, 710+, C.C.A.9 (Wash.) Appeal from the District Court of the United States for the Western District of Washington, Southern Division; Edward E. Cushman, Judge. Habeas corpus proceeding by Peter J....	Apr. 21, 1939	Case	  	 5  10 S.Ct.
Discussed by	 253. United States v. Hansen  929 F.3d 1238, 1248+, 10th Cir.(Utah) CRIMINAL JUSTICE — Counsel. Self-represented defendant's understanding that he would be required to comply with procedural and evidentiary rules was not ensured.	July 15, 2019	Case	  	 4  9 S.Ct.
Discussed by	 254. Rawlins v. Kansas  714 F.3d 1189, 1195+, 10th Cir.(Kan.) CRIMINAL JUSTICE - Habeas Corpus. Federal court did not have jurisdiction to issue writ of coram nobis with respect to state criminal judgment.	Apr. 30, 2013	Case	  	 9  13 S.Ct.

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Discussed by	 255. U.S. v. Buonocore  416 F.3d 1124, 1137+, 10th Cir.(Utah) CRIMINAL JUSTICE - Pleas. District Court's decision to reject defendant's guilty plea was not erroneous.	July 18, 2005	Case	   	2 3 S.Ct.
Discussed by	 256. U.S. v. Reilley  948 F.2d 648, 650+, 10th Cir.(Wyo.) Defendant was convicted in the United States District Court for the District of Wyoming, Clarence A. Brimmer, Jr., Chief Judge, of leaving unattended property in a national park,....	Oct. 28, 1991	Case	   	1 S.Ct.
Discussed by	 257. Fernandez v. Rodriguez  761 F.2d 558, 562+, 10th Cir.(N.M.) Defendant's state court conviction for second-degree murder with enhancement was affirmed by the New Mexico Court of Appeals and further review was denied by the New Mexico Supreme...	Apr. 04, 1985	Case	   	2 5 S.Ct.
Discussed by	 258. U.S. v. Broce  753 F.2d 811, 817+, 10th Cir.(Kan.) Defendants pled guilty to two indictments charging conspiracy to violate the Sherman Act in connection with a conspiracy to rig bids submitted to the state on highway projects.	Jan. 09, 1985	Case	   	2 S.Ct.
Discussed by	259. Sandoval v. Tinsley 338 F.2d 48, 50+, 10th Cir.(Colo.) State prisoner brought habeas corpus proceeding to secure his release from state penitentiary on ground that he was denied right to counsel in criminal proceedings in state court.	Nov. 12, 1964	Case	   	9 13 14 S.Ct.
Discussed by	260. Panagos v. U.S. 324 F.2d 764, 765+, 10th Cir.(Wyo.) Proceeding on motion to vacate sentence. The United States District Court for the District of Wyoming, Ewing T. Kerr, J., entered judgment denying relief and the defendant...	Dec. 06, 1963	Case	   	9 11 13 S.Ct.
Discussed by	 261. Amrine v. Tines  131 F.2d 827, 832+, C.C.A.10 (Kan.) Appeal from the District Court of the United States for the District of Kansas, First Division; Richard J. Hopkins, Judge. Habeas corpus proceeding by Jesse B. Tines opposed by...	Nov. 02, 1942	Case	   	1 9 13 S.Ct.
Discussed by	262. Gilmore v. U.S.  129 F.2d 199, 203+, C.C.A.10 (Okla.) Appeal from the United States District Court for the Eastern District of Oklahoma; Eugene Rice, Judge. Dewey Gilmore was convicted of armed robbery of a national bank, and from a...	June 29, 1942	Case	   	1 9 S.Ct.
Discussed by	263. Zahn v. Hudspeth 102 F.2d 759, 761+, C.C.A.10 (Kan.) Judgment of conviction bears the presumption of validity and regularity, and cannot be lightly set aside. Appeal from the District Court of the United States for the District of...	Mar. 23, 1939	Case	   	8 9 13 S.Ct.

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Discussed by	264. Moody v. Commissioner, Alabama Department of Corrections  682 Fed.Appx. 802, 804+ , 11th Cir.(Ala.) CRIMINAL JUSTICE — Habeas Corpus. Petitioner was not entitled to federal habeas relief on claim that he did not knowingly and voluntarily waive his right to counsel.	Mar. 16, 2017	Case	   	 2  14 S.Ct.
Discussed by	265. Holland v. Florida  775 F.3d 1294, 1309+ , 11th Cir.(Fla.) CRIMINAL JUSTICE - Habeas Corpus. Petitioner was not entitled to habeas relief on claim that his Sixth Amendment right to self-representation was violated.	Dec. 29, 2014	Case	   	 4 S.Ct.
Discussed by	 266. U.S. v. Garey  540 F.3d 1253, 1262+ , 11th Cir.(Ga.) CRIMINAL JUSTICE - Indigents. Defendant may waive right to counsel by uncooperative conduct as well as by express request.	Aug. 20, 2008	Case	   	 1 S.Ct.
Discussed by	 267. Jones v. Walker  540 F.3d 1277, 1288+ , 11th Cir.(Ga.) CRIMINAL JUSTICE - Habeas Corpus. Prisoner failed to show unknowing waiver of right to counsel, despite court's failure to warn of pro se consequences.	Aug. 20, 2008	Case	   	 9  13  14 S.Ct.
Discussed by	 268. Allen v. Thomas  161 F.3d 667, 669+ , 11th Cir.(Ga.) After state court habeas relief was denied, 265 Ga. 518, 458 S.E.2d 107, petitioner sought federal habeas corpus review of his state court conviction. The United States District...	Nov. 24, 1998	Case	   	 3  9 S.Ct.
Discussed by	 269. Vines v. U.S.  28 F.3d 1123, 1135+ , 11th Cir.(Fla.) Defendant was convicted of distributing cocaine, in the United States District Court for the Southern District of Florida, No. 88-403-CR-KLR, 90-2201-CIV-KLR,Kenneth L. Ryskamp, J....	Aug. 17, 1994	Case	   	 9  13 S.Ct.
Discussed by	 270. U.S. v. Teague  953 F.2d 1525, 1533+ , 11th Cir.(Ga.) Defendant was convicted in the United States District Court for the Northern District of Georgia, No. CR88-412-2, Orinda D. Evans, J., of attempt to possess marijuana with intent...	Feb. 26, 1992	Case	   	 9 S.Ct.
Discussed by	 271. Smith v. Zant  855 F.2d 712, 716+ , 11th Cir.(Ga.) Following state court conviction for armed robbery and malice murder and sentence to death, appeal was taken. The Supreme Court, 249 Ga. 228, 290 S.E.2d 43, upheld conviction,...	Aug. 26, 1988	Case	   	 9 S.Ct.

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Discussed by	 273. Dorman v. Wainwright  798 F.2d 1358, 1368+, 11th Cir.(Fla.) Defendant filed petition for habeas corpus relief, alleging that state court had erroneously denied his motions to proceed pro se. The United States District Court, Middle...	Sep. 09, 1986	Case	   	7 S.Ct.
Discussed by	274. Golden v. Newsome  755 F.2d 1478, 1482+, 11th Cir.(Ga.) Habeas petitioner appealed from an order of the United States District Court for the Middle District of Georgia, Wilbur D. Owens, Jr., Chief Judge, denying habeas corpus relief. ...	Mar. 25, 1985	Case	  	8 9 S.Ct.
Discussed by	 275. Allen v. State of Ala.  728 F.2d 1384, 1388+, 11th Cir.(Ala.) State prisoner who had filed a federal habeas corpus petition appealed from an order of the United States District Court for the Northern District of Alabama, Clarence W. Allgood,...	Apr. 02, 1984	Case	  	3 S.Ct.
Discussed by	 276. Thomas v. Zant  697 F.2d 977, 981+, 11th Cir.(Ga.) Petitioner appealed from an order of the United States District Court for the Middle District of Georgia, J. Robert Elliott, J., which refused to order an evidentiary hearing on...	Feb. 10, 1983	Case	  	7 13 S.Ct.
Discussed by	277. U.S. v. Martinez-Cruz 736 F.3d 999, 1002+, D.C.Cir. CRIMINAL JUSTICE - Habitual Offenders. In collateral sentencing challenge to prior conviction, defendant had burden of production and government had burden of persuasion.	Dec. 03, 2013	Case	  	2 S.Ct.
Discussed by	 278. Johnson Oil Co., Inc. v. U. S. Dept. of Energy 690 F.2d 191, 195+, Temp.Em.App. Appeals were taken from a judgment of the United States District Court for the District of Utah in an action between crude oil refiner and crude oil reseller involving refiner's...	Sep. 21, 1982	Case	  	—
Discussed by	 279. U.S. v. Bailey  675 F.2d 1292, 1299+, D.C.Cir. Defendants were convicted in the United States District Court for the District of Columbia of escape, and they appealed. The Court of Appeals, 585 F.2d 1087, reversed, and...	Apr. 23, 1982	Case	  	4 9 13 S.Ct.

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Discussed by	 280. U.S. v. Decoster  624 F.2d 196, 201+ , D.C.Cir. <p>Defendant was convicted of armed robbery after trial in the United States District Court for the District of Columbia, Joseph C. Waddy, J., of aiding and abetting an armed robbery...</p>	Oct. 19, 1976	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>1</td></tr> <tr><td>5</td></tr> </table> S.Ct.	1	5	
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Discussed by	 281. U.S. v. Jamison  505 F.2d 407, 412+ , D.C.Cir. <p>The United States District Court for the District of Columbia, Howard F. Corcoran, J., found defendants guilty of first-degree murder, and they appealed. The Court of Appeals,...</p>	Oct. 15, 1974	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>3</td></tr> </table> S.Ct.	3		
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Discussed by	 282. Wade v. U.S.  441 F.2d 1046, 1049+ , D.C.Cir. <p>Defendant was convicted in the United States District Court for the District of Columbia, Richmond B. Keech, J., of assault upon police officer with dangerous weapon, carrying...</p>	Jan. 18, 1971	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>3</td></tr> </table> S.Ct.	3		
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Discussed by	 283. Jones v. U.S.  342 F.2d 863, 869+ , D.C.Cir. <p>Prosecution for assault with intent to rob and for robbery. The United States District Court for the District of Columbia, Henry A. Schweinhaut, J., gave judgment, and two...</p>	July 16, 1964	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>2</td></tr> <tr><td>9</td></tr> </table> S.Ct.	2	9	
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Discussed by	284. McNair v. U.S.  235 F.2d 856, 858+ , D.C.Cir. <p>Defendant was convicted on 16 charges of robbery and one charge of assault with intent to kill, and 17 years after imposition of sentence defendant made motion to vacate sentence...</p>	July 12, 1956	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> <tr><td>13</td></tr> </table> S.Ct.	9	13	
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Discussed by	 285. McKinney v. U.S.  208 F.2d 844, 847+ , D.C.Cir. <p>Proceeding on defendant's motion to vacate sentences of imprisonment on ground that he had been without assistance of counsel at any stage of criminal prosecution. The United...</p>	Dec. 17, 1953	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>2</td></tr> <tr><td>14</td></tr> </table> S.Ct.	2	14	
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Discussed by	286. Smith v. U.S.  187 F.2d 192, 195+ , D.C.Cir. <p>James M. Smith was convicted of second degree murder and of rape, and thereafter moved to vacate the judgments. The United States District Court for the District of Columbia...</p>	Dec. 07, 1950	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> </table> S.Ct.	9		
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Discussed by	 287. Dorsey v. Gill  148 F.2d 857, 878+ , App.D.C. <p>Appeal from the District Court of the United States for the District of Columbia; F. Dickinson Letts, Associate Justice. Habeas corpus proceeding by Ernest F. Dorsey against Howard...</p>	Feb. 26, 1945	Case	   	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr><td>9</td></tr> <tr><td>10</td></tr> <tr><td>11</td></tr> </table> S.Ct.	9	10	11
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Discussed by	 288. Wood v. U.S. 128 F.2d 265, 270+ , App.D.C. Appeal from the District Court of the United States for the District of Columbia. Roy Lee Wood and Fred M. Wolf were convicted of robbery and they appeal. Reversed and remanded...	Mar. 09, 1942	Case	 	 2 S.Ct.
Discussed by	 289. Neufield v. U.S.  118 F.2d 375, 383+ , App.D.C. MILLER, Associate Justice, dissenting in part. Appeal from the District Court of the United States for the District Court of Columbia. Barney Neufield and others were convicted of...	Jan. 27, 1941	Case	 	 1 4 9 S.Ct.
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Discussed by	291. Moody v. Thomas  89 F.Supp.3d 1167, 1208+ , N.D.Ala. CRIMINAL JUSTICE - Habeas Corpus. Decision that defendant knowingly and voluntarily waived his right to counsel did not warrant habeas relief.	Feb. 20, 2015	Case	 	 4 9 14 S.Ct.
Discussed by	 292. U.S. v. Riccio  648 F.Supp. 1280, 1282+ , N.D.Ala. Proceeding was instituted on motion of defendant to suppress prior civil depositions in subsequent criminal prosecution. The District Court, Acker, J., held that depositions...	Nov. 21, 1986	Case	 	 9 S.Ct.
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Discussed by	294. Chase v. Rivas  2009 WL 1097532, *9+ , D.Ariz. CRIMINAL JUSTICE - Counsel. Defendant insisted he needed to take control of his child molestation case and thus he voluntarily and knowingly waived his right to counsel and chose...	Apr. 20, 2009	Case	 	 1 14 S.Ct.
Discussed by	295. Hooper v. Schriro 2008 WL 4542782, *22+ , D.Ariz. Petitioner Murray Hooper is a state prisoner under sentence of death. Pursuant to the Court's general procedures governing resolution of capital habeas proceedings, the parties...	Oct. 10, 2008	Case	 	 3 9 S.Ct.
Discussed by	 296. Evans v. Raines 534 F.Supp. 791, 800+ , D.Ariz. On petition of state prisoner for writ of habeas corpus, the District Court, Cordova, J., held that: (1) the trial court reasonably should have entertained a good-faith doubt as to...	Mar. 26, 1982	Case	 	 9 13 14 S.Ct.

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Discussed by	298. United States v. Hayat 2019 WL 176342, *60+, E.D.Cal. Movant Hamid Hayat ("Hayat") is a federal prisoner proceeding with a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. Hayat challenges a judgment of conviction entered...	Jan. 11, 2019	Case		4 S.Ct.
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Discussed by	300. Thompson v. Dickinson 2014 WL 2465937, *12+, E.D.Cal. Petitioner is a state prisoner serving an indeterminate life sentence, proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The amended...	May 29, 2014	Case		3 4 S.Ct.
Discussed by	301. Hurst v. Attorney General of California 2013 WL 3242956, *2+, C.D.Cal. On March 6, 2013, Petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254. The parties consented to the jurisdiction of the...	June 26, 2013	Case		9 S.Ct.
Discussed by	302. Duran v. Cate 2010 WL 6025341, *17+, S.D.Cal. Petitioner Joseph Alfonso Duran, a state prisoner proceeding pro se and in forma pauperis filed a Petition for Writ of Habeas Corpus on March 6, 2008 [ECF No. 1] and an Amended...	Oct. 22, 2010	Case		9 S.Ct.
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Discussed by	304. Haselton v. Director, California Dept. of Corrections 2005 WL 2071995, *5+, E.D.Cal. Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1999 judgment of...	Aug. 26, 2005	Case		4 S.Ct.

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Discussed by	306. Brown v. Heinze  248 F.Supp. 293, 297+ , N.D.Cal. Habeas corpus proceeding. The District Court, Halbert, J., held, inter alia, that where petitioner had informed trial judge that petitioner's retained counsel no longer...	Dec. 14, 1965	Case	  	9 S.Ct.
Discussed by	 307. Wright v. Johnston 77 F.Supp. 687, 691+ , N.D.Cal. Petition by Cecil L. Wright against James A. Johnston, Warden, United States Penitentiary, Alcatraz, Cal., for writ of habeas corpus for release from imprisonment. Petition...	Apr. 23, 1948	Case	  	1 9 S.Ct.
Discussed by	 308. Robinson v. Johnston  50 F.Supp. 774, 776+ , N.D.Cal. Proceeding by Thomas H. Robinson, Jr., against James A. Johnston, as Warden, United States Penitentiary, Alcatraz, Cal., to secure release by habeas corpus from respondent's...	Aug. 09, 1943	Case	  	9 S.Ct.
Discussed by	309. Bruno v. Connecticut Commissioner of Correction  2006 WL 2839232, *3+ , D.Conn. Petitioner Martyn Bruno, a Connecticut inmate, was convicted after a bench trial of murder and tampering with physical evidence and sentenced to prison for sixty years. He brings...	Sep. 29, 2006	Case	  	9 S.Ct.
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Discussed by	311. In re SLM Intern., Inc.  248 B.R. 240, 247+ , D.Del. BANKRUPTCY - Claims. In assessing scope of lien waiver, court had to	May 01, 2000	Case	  	3 4 S.Ct.
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Discussed by	314. House v. Mayo 63 F.Supp. 169, 170+, S.D.Fla. Habeas corpus proceeding by Albert R. House against Nathan Mayo, State Prison Custodian of Florida. Writ of habeas corpus dismissed and petitioner remanded to custody.	Apr. 12, 1945	Case		9 13 S.Ct.
Discussed by	315. Munoz Ruiz v. United States 2019 WL 6534510, *2+, N.D.Ga. Movant Javier Munoz Ruiz has filed the instant pro se motion to vacate pursuant to 28 U.S.C. § 2255. (Doc. 221). Movant seeks to challenge the constitutionality of his convictions...	June 28, 2019	Case		—
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Discussed by	317. Reid v. Sanford 42 F.Supp. 300, 302+, N.D.Ga. Habeas corpus proceeding by William J. Reid against Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia, to obtain the petitioner's discharge from the custody...	Dec. 23, 1941	Case		7 14 S.Ct.
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Discussed by	319. Rossignol, Blades 2014 WL 1319827, *3+, D.Idaho Petitioner Donald Roger Rossignol, Jr., filed a Petition for Writ of Habeas Corpus challenging his state court conviction. (Dkt.1.) Respondent has filed an Answer and a Brief in...	Mar. 31, 2014	Case		9 13 S.Ct.
Discussed by	320. U.S. ex rel. Johnson v. Page 1995 WL 430942, *6+, N.D.Ill. On April 4, 1991, petitioner Willie Johnson was found guilty of first-degree murder by a Cook County Circuit Court judge, and sentenced to 45 years in prison. On appeal to the...	July 18, 1995	Case		4 9 S.Ct.
Discussed by	321. Wilson v. Lane 697 F.Supp. 1489, 1492+, S.D.Ill. After convicted murderer chose to forego further review of his capital sentence, habeas petition was filed on his behalf by petitioners individually and as next friends. The...	Apr. 19, 1988	Case		9 13 14 S.Ct.
Discussed by	322. U. S. ex rel. Williams v. DeRobertis 538 F.Supp. 899, 903+, N.D.Ill. Petition for habeas corpus was brought, alleging invalid waiver of right to jury trial. The District Court, Marshall, J., held that where there was no affirmative indication that...	May 06, 1982	Case		2 3 S.Ct.

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Discussed by	 323. U. S. ex rel. Sanders v. Rowe 460 F.Supp. 1128, 1134+, N.D.Ill. Illinois prisoner sought habeas corpus relief on ground that several confessions used at trial were obtained in violation of his constitutional rights. The District Court, Bua, J.,...	Nov. 20, 1978	Case	  	9 14 S.Ct.
Discussed by	 324. Jeffers v. U.S. 461 F.Supp. 300, 302+, N.D.Ind. Defendant filed motion to vacate sentence. The District Court, Allen Sharp, J., held that: (1) even assuming that court and prosecutor were obliged to advise defendant of impact...	Dec. 05, 1978	Case	  	9 S.Ct.
Discussed by	 325. Sopczak v. Cooper  2014 WL 2711957, *8+, M.D.La. Before the court on the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Michael John Sopczak. For the reasons which follow, the...	Mar. 20, 2014	Case	  	14 S.Ct.
Discussed by	326. McCloud v. Cain  2013 WL 1512530, *2+, E.D.La. Before the Court is a petition for habeas corpus by Troy McCloud filed pursuant to 28 U.S.C. § 2254. Petitioner seeks relief from his November 13, 2003, conviction and sentence for...	Apr. 11, 2013	Case	  	2 S.Ct.
Discussed by	327. U.S. v. Mark II Electronics of La., Inc.  305 F.Supp. 1280, 1286+, E.D.La. Prosecution for mail fraud. On defendants' motions to dismiss indictment with prejudice, the District Court, Comiskey, J., held that there was unnecessary delay in prosecution...	Nov. 17, 1969	Case	  	2 S.Ct.
Discussed by	 328. Horner v. Shearin  439 F.Supp.3d 549, 558+, D.Md. CRIMINAL JUSTICE — Evidence. Jailhouse informant's regular status as informant for police department was impeachment evidence under Brady that should have been disclosed.	Feb. 05, 2020	Case	  	2 3 4 S.Ct.
Discussed by	 329. U.S. v. Hartsock  253 F.Supp.2d 24, 37+, D.Me. CRIMINAL JUSTICE - Weapons. Evidence of customary practice was insufficient to show voluntary waiver of right to counsel, jury.	Mar. 19, 2003	Case	  	9 S.Ct.
Discussed by	 330. Pouncy v. Macauley  2021 WL 2652326, *14+, E.D.Mich. Petitioner Omar Rashad Pouncy is a state prisoner in the custody of the Michigan Department of Corrections. On November 12, 2013, Pouncy filed a petition for a writ of habeas...	June 28, 2021	Case	  	4 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	331. United States v. Human Services Associates, LLC 216 F.Supp.3d 841, 847+, W.D.Mich. CRIMINAL JUSTICE — Indigents. Court would exercise its inherent authority to appoint counsel for indigent corporate defendant whose assets were seized by the government.	Oct. 21, 2016	Case		1 S.Ct.
Discussed by	332. Pouncy v. Palmer 165 F.Supp.3d 615, 627+, E.D.Mich. CRIMINAL JUSTICE — Habeas Corpus. State court determination that defendant voluntarily waived his right to counsel was contrary to clearly established federal law.	Jan. 11, 2016	Case		4 S.Ct.
Discussed by	333. Sueing v. McKee 2015 WL 6554450, *23+, W.D.Mich. This is a habeas corpus petition filed pursuant to 28 U.S.C. § 2254. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on October 7, 2015,....	Oct. 29, 2015	Case		2 4 S.Ct.
Discussed by	334. Docherty v. U.S. 2011 WL 3555688, *4+, E.D.Mich. Petitioner Kathleen Docherty was sentenced to 188 months' imprisonment after pleading guilty to six counts of an indictment, including: conspiracy to possess with intent to...	Aug. 08, 2011	Case		2 S.Ct.
Discussed by	335. Williams v. Jones 391 F.Supp.2d 603, 614+, E.D.Mich. CRIMINAL JUSTICE - Counsel. Trial counsel had actual conflict of interest by jointly representing defendant and codefendant.	Sep. 30, 2005	Case		3 4 9 S.Ct.
Discussed by	336. Pasley v. Romanowski 2005 WL 2291011, *3+, E.D.Mich. This matter is pending before the Court on petitioner Lynn T. Pasley's pro se application for the writ of habeas corpus under 28 U.S.C. § 2254. Also pending before the Court is...	Sep. 20, 2005	Case		3 14 S.Ct.
Discussed by	337. Riley v. Berghuis 388 F.Supp.2d 789, 798+, E.D.Mich. CRIMINAL JUSTICE - Habeas Corpus. Trial attorney's failure to move for directed verdict of acquittal at the close of prosecution's case was prejudicial.	Sep. 15, 2005	Case		3 9 S.Ct.
Discussed by	338. U.S. v. Thornton 17 F.Supp.2d 686, 695+, E.D.Mich. Defendant moved to suppress out-of-court statements made to police following his indictment and arrest on murder and drug-related charges. The District Court, Gadola, J., held...	Sep. 01, 1998	Case		2 3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 339. U.S. v. Agosto  528 F.Supp. 1300, 1308+, D.Minn. In prosecution for conspiracy, misapplication of bank funds and mail and wire fraud, Government moved to disqualify defendants' attorneys. The District Court, Devitt, Senior...	Dec. 29, 1981	Case	   	 9 S.Ct.
Discussed by	 340. McCamey v. Epps  696 F.Supp.2d 667, 681+, N.D.Miss. CRIMINAL JUSTICE - Counsel. Defendant's attorney operated under actual conflicts of interest, which resulted in ineffective assistance of counsel.	Mar. 12, 2010	Case	   	 2  4  9 S.Ct.
Discussed by	 341. Winters v. Cook  333 F.Supp. 1033, 1042+, N.D.Miss. Proceeding on petition by state prisoner for habeas corpus. The District Court, Keady, Chief Judge, held that where facts surrounding victim's death, as related to appointed...	Nov. 01, 1971	Case	   	 14 S.Ct.
Discussed by	342. Shafer v. Bowersox  168 F.Supp.2d 1055, 1063+, E.D.Mo. CRIMINAL JUSTICE - Pleas. Guilty plea was not made knowingly, intelligently and voluntarily.	Oct. 03, 2001	Case	  	 2  4  9 S.Ct.
Discussed by	 343. Wilkins v. Bowersox  933 F.Supp. 1496, 1507+, W.D.Mo. After his conviction of first-degree murder and death sentence were affirmed on direct appeal, 736 S.W.2d 409 petitioner filed petition for habeas corpus relief. The District...	May 15, 1996	Case	   	 4  9  13 S.Ct.
Discussed by	344. Powell v. Bowersox 895 F.Supp. 1298, 1309+, E.D.Mo. State prisoner petitioned for writ of federal habeas corpus challenging death sentence imposed for murder convictions. The District Court, Stohr, J., held that: (1) evidentiary...	Aug. 15, 1995	Case	   	 9  13  14 S.Ct.
Discussed by	345. Wilkins v. Delo  886 F.Supp. 1503, 1510+, W.D.Mo. After his conviction of first-degree murder and death sentence were affirmed on direct appeal before the Missouri Supreme Court, 736 S.W.2d 409, and upheld by the United States...	May 16, 1995	Case	   	 1  4  9 S.Ct.
Discussed by	 346. Toliver v. Wyrick  469 F.Supp. 583, 593+, W.D.Mo. State prisoner brought federal habeas corpus proceedings after state trial court decided Sixth Amendment assistance of counsel question and Miranda question adversely to...	Apr. 17, 1979	Case	   	 3 S.Ct.
Discussed by	 347. Martin v. Wyrick  433 F.Supp. 921, 927+, W.D.Mo. State prisoner petitioned for writ of habeas corpus. The District Court, John W. Oliver, Chief Judge, 423 F.Supp. 884, determined that petitioner fully exhausted his available...	May 27, 1977	Case	   	 1  4  9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	348. Turley v. Swenson 314 F.Supp. 1304, 1311+, W.D.Mo. Proceeding upon state court prisoner's petition for habeas corpus relief. The District Court, John W. Oliver, J., held that where there were substantial questions concerning...	July 24, 1970	Case		7 14 S.Ct.
Discussed by	 349. Goodwin v. Swenson 287 F.Supp. 166, 177+, W.D.Mo. Habeas corpus proceeding by state prisoner seeking release from custody. The District Court, John W. Oliver, J., held that defense counsel's failure, in state murder prosecution,...	July 02, 1968	Case		1 S.Ct.
Discussed by	350. Mothershead v. King 37 F.Supp. 210, 211+, W.D.Mo. Habeas corpus proceeding by James Mothershead against Dr. Marion R. King, Warden, Medical Center for Federal Prisoners, to obtain the petitioner's discharge from custody of the...	Feb. 24, 1941	Case		5 9 11 S.Ct.
Discussed by	351. Burlington Northern, Inc. v. State of N. D. 460 F.Supp. 140, 142+, D.N.D. Railroad brought action against North Dakota Mill and Elevator Association to recover for rail freight undercharges. The District Court, Benson, Chief Judge, held that: (1) for...	Nov. 13, 1978	Case		2 S.Ct.
Discussed by	352. U.S. v. Burton 828 F.Supp. 47, 49+, D.Neb. Defendant moved to suppress statements she made at her initial appearance and detention hearing. The District Court, Kopf, J., held that defendant did not knowingly and...	Aug. 18, 1993	Case		4 8 9 S.Ct.
Discussed by	353. U.S. v. Barber 291 F.Supp. 38, 42+, D.Neb. On defendant's motion to suppress certain statements made by her to special agents of the United States secret service, the District Court, Van Pelt, J., held that in view of facts...	Sep. 20, 1968	Case		9 S.Ct.
Discussed by	354. Grandsinger v. Bovey 153 F.Supp. 201, 227+, D.Neb. Petitioner, who was confined in the Nebraska State Penitentiary under sentence of death imposed by state court in murder prosecution, brought habeas corpus proceeding in federal...	June 27, 1957	Case		1 4 9 S.Ct.
Discussed by	355. U.S. v. Redfield 197 F.Supp. 559, 563+, D.Nev. Prosecution for evasion of federal income taxes. On the defendant's motion for a new trial following a verdict of guilty on six of eight counts, the District Court, Ross, Chief...	Mar. 23, 1961	Case		1 4 9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	356. Jacobs v. United States 2018 WL 2018056, *5+, D.N.J. This matter comes before the Court on Petitioner Bryan Jacobs' ("Jacobs") Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody....	May 01, 2018	Case		—
Discussed by	357. Moncion v. Moore 2008 WL 2369215, *7+, D.N.J. Before the Court is Arioste Moncion's ("Moncion") application for a writ of habeas corpus pursuant to provisions of the Antiterrorism and Effective Death Penalty Act of 1996,....	June 03, 2008	Case		13 14 S.Ct.
Discussed by	358. Atkins v. U.S. 1990 WL 126196, *5+, D.N.J. Petitioner Richard Atkins, currently confined at the Lewisburg Penitentiary in Lewisburg, Pennsylvania, has brought a pro se petition for a writ of habeas corpus pursuant to 28...	Aug. 27, 1990	Case		1 8 13 S.Ct.
Discussed by	359. U. S. ex rel. Urbano v. Yeager 323 F.Supp. 774, 776+, D.N.J. Habeas corpus proceeding by state prisoner. The District Court, Kitchen, J., held that where record of state court proceedings failed to demonstrate that petitioner was advised of...	Feb. 26, 1971	Case		9 S.Ct.
Discussed by	360. Petition of McAllister 208 F.Supp. 636, 638+, D.N.J. State prisoner's proceeding for writ of habeas corpus. The District Court, Lane, J., held that defendant's lack of counsel at time of sentencing on his plea of guilty to robbery...	Aug. 25, 1962	Case		1 S.Ct.
Discussed by	361. Knight v. Phillips 2012 WL 5955058, *13+, E.D.N.Y. Petitioner Keith Knight, through counsel, petitions this court for writs of habeas corpus under 28 U.S.C. § 2254, challenging his September 28, 1995 and December 7, 1995...	Nov. 28, 2012	Case		2 S.Ct.
Discussed by	362. U.S. v. Barton 2012 WL 925958, *4+, W.D.N.Y. This case was referred by text order of the undersigned, docketed on December 13, 2011, ECF No. 2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B)....	Mar. 16, 2012	Case		4 S.Ct.
Discussed by	363. Legal Aid Society v. City of New York 114 F.Supp.2d 204, 226+, S.D.N.Y. GOVERNMENT CONTRACTS - Retaliation. Legal aid provider did not waive its First Amendment rights to challenge RFPs.	Sep. 18, 2000	Case		2 3 9 S.Ct.
Discussed by	364. U.S. v. Kurtz 1999 WL 349374, *2+, S.D.N.Y. Following oral argument on April 16, 1999, the Court denied Kurtz's motion to dismiss the Indictment with respect to counts twelve through forty-six of the Indictment and denied...	May 28, 1999	Case		1 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 365. DeLuca v. Lord  858 F.Supp. 1330, 1354+, S.D.N.Y. Petitioner sought habeas corpus relief from state conviction for second-degree murder. The District Court, Ward, J., held that: (1) defense counsel's failure to pursue option of...	Aug. 04, 1994	Case	  	2 4 9 S.Ct.
Discussed by	 366. Coronado v. Lefevre  748 F.Supp. 131, 140+, S.D.N.Y. Petitioner sought habeas corpus relief from murder conviction. The District Court, Robert J. Ward, J., held that: (1) petitioner validly waived Miranda rights and right to jury...	Oct. 01, 1990	Case	  	3 9 S.Ct.
Discussed by	 367. Westfall v. City of Cohoes  1988 WL 79202, *7+, N.D.N.Y. Plaintiff, a former member of the City of Cohoes Police Department ("the Department"), was forced into retirement pursuant to a provision in a collective bargaining agreement...	Apr. 06, 1988	Case	 	2 3 S.Ct.
Discussed by	368. Pizarro v. Harris  507 F.Supp. 642, 645+, S.D.N.Y. New York prisoner filed pro se petition for writ of habeas corpus. The District Court, Owen, J., held that: (1) request for appointment of new counsel, as made before first...	Feb. 02, 1981	Case	  	9 14 S.Ct.
Discussed by	369. U.S. v. Sisca  361 F.Supp. 735, 741+, S.D.N.Y. Prosecution for violation of the narcotics laws, in which defendants moved to suppress evidence. The District Court, Frederick van Pelt Bryan, J., held, inter alia, that...	June 25, 1973	Case	  	2 9 S.Ct.
Discussed by	370. McIntyre v. State of N. Y.  329 F.Supp. 9, 13+, E.D.N.Y. Habeas corpus proceeding by state prisoner. The District Court, Bartels, J., held that where state prisoner was informed of his rights to remain silent and to counsel by assistant...	June 23, 1971	Case	  	9 S.Ct.
Discussed by	371. U.S. v. Kelly  314 F.Supp. 500, 503+, E.D.N.Y. Defendant, who had pleaded guilty to indictment charging him with failing to report for induction into armed forces, moved to vacate sentence and judgment of conviction. The...	June 26, 1970	Case	  	3 9 S.Ct.
Discussed by	 372. U.S. v. Richardson  291 F.Supp. 441, 446+, S.D.N.Y. On motion to dismiss indictment on grounds of violation of the speedy trial provision of the Sixth Amendment, the District Court, Motley, J., held, inter alia, that defendant did...	Oct. 23, 1968	Case	  	2 5 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 373. U. S. ex rel. Elksnis v. Gilligan  256 F.Supp. 244, 251+, S.D.N.Y. Petition by state prisoner for federal habeas corpus. The District Court, Weinfeld, J., held that evidence warranted a finding that at time of sentencing in state court judge did...	June 13, 1966	Case	  	2 3 S.Ct.
Discussed by	374. U. S. ex rel. Higgins v. Fay  252 F.Supp. 568, 570+, S.D.N.Y. Proceeding on application for writ of habeas corpus by state prisoner. The District Court, Tyler, J., held that prisoner who refused to make election to continue with assigned...	Mar. 28, 1966	Case	  	4 9 S.Ct.
Discussed by	375. U. S. ex rel. Brown v. Fay  242 F.Supp. 273, 281+, S.D.N.Y. Petitioner serving sentence under state judgment sought relief by way of federal writ of habeas corpus. The District Court, Weinfeld, J., held that record as supplemented by...	June 01, 1965	Case	  	2 S.Ct.
Discussed by	 376. U.S. v. Di Martini  118 F.Supp. 601, 602+, S.D.N.Y. Motion in the nature of a writ of error coram nobis attacking validity of judgment of conviction entered in federal court in 1932 on ground that defendant had been deprived of...	Dec. 31, 1953	Case	  	1 9 S.Ct.
Discussed by	377. U.S. ex rel. Mitchell v. Thompson  56 F.Supp. 683, 685+, S.D.N.Y. Habeas corpus proceeding by the United States of America, on the relation of William Mitchell, against Edward E. Thompson, Warden, Federal Detention Headquarters, New York City....	July 01, 1944	Case	  	10 13 S.Ct.
Discussed by	378. Simpson v. Warden, Lebanon Correctional Institution 2018 WL 1499847, *2+, S.D.Ohio This habeas corpus case is before the Court on Petitioner's Objections (ECF No. 17) to the Magistrate Judge's Report and Recommendations (ECF No. 16) recommending the Petition be...	Mar. 27, 2018	Case	 	—
Discussed by	379. Herrington v. Lazaroff 2015 WL 3687681, *24+, N.D.Ohio Pursuant to Local Rule 72.2(b)(2), the instant petition for the writ of habeas corpus was referred to United States Magistrate Judge Kathleen B. Burke for preparation of a report...	June 11, 2015	Case	  	4 S.Ct.
Discussed by	380. Glass v. Cook  2014 WL 3870631, *8+, S.D.Ohio Petitioner, a state prisoner, brings this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter is before the Court on the Petition, ECF 1, Respondent's...	Aug. 07, 2014	Case	  	4 14 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	381. Cowans v. Bagley 624 F.Supp.2d 709, 744+ , S.D.Ohio CRIMINAL JUSTICE - Habeas Corpus. Habeas corpus relief was foreclosed for defendant sentenced to death penalty for conviction of aggravated capital murder.	Sep. 30, 2008	Case		4 14 S.Ct.
Discussed by	382. Overstreet v. Voorhies 2008 WL 618790, *4+ , S.D.Ohio Petitioner Overstreet filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 19, 2005 (Doc. 1). Overstreet seeks relief from the sentence that Ohio...	Mar. 03, 2008	Case		8 9 13 S.Ct.
Discussed by	383. Cooey v. Anderson 988 F.Supp. 1066, 1075+ , N.D.Ohio Habeas petitioner was convicted by state trial court of capital murder and other offenses, and was sentenced to death. After exhausting state appellate procedures, petition...	Sep. 04, 1997	Case		2 4 S.Ct.
Discussed by	384. Clark v. Marshall 600 F.Supp. 1520, 1526+ , N.D.Ohio On remand, 676 F.2d 1099, for conduct of evidentiary hearing on petition for habeas corpus filed by state inmate whose conviction of aggravated murder and aggravated robbery had...	Jan. 22, 1985	Case		4 9 S.Ct.
Discussed by	385. Mehdipour v. Parker 2005 WL 2666387, *17+ , W.D.Okla. Petitioner, a state prisoner appearing pro se, brings this action pursuant to 28 U.S.C. § 2254 seeking a writ of habeas corpus. In his amended petition [Doc. No. 7], Petitioner is...	June 10, 2005	Case		9 13 14 S.Ct.
Discussed by	386. Chandler v. Blackletter 2008 WL 4899131, *12+ , D.Or. Magistrate Judge Papak issued a Findings and Recommendation [30] in this action that recommended that petitioner's Petition for Writ of Habeas Corpus [1] and Alternative Request...	Nov. 10, 2008	Case		2 3 S.Ct.
Discussed by	387. Kittrell v. Pennsylvania 2018 WL 950207, *5+ , M.D.Pa. Petitioner Roland Kittrell ("Petitioner" or "Kittrell"), a state inmate currently confined at the State Correctional Institution at Greene (SCI-Greene), Waynesburg, Pennsylvania,...	Feb. 20, 2018	Case		2 S.Ct.
Discussed by	388. Parry v. Kerestes 2012 WL 5335283, *7+ , W.D.Pa. Petitioner, Thomas Parry, a state prisoner previously incarcerated at the State Correctional Institution at Houtzdale, Pennsylvania has petitioned for a writ of habeas corpus...	Oct. 26, 2012	Case		2 3 S.Ct.
Discussed by	389. Petruska v. Gannon University 2008 WL 2789260, *7+ , W.D.Pa. Presently pending before the Court in the above-captioned case is a motion by the Plaintiff, Lynette Petruska, seeking leave to file a Second Amended Complaint in the...	Mar. 31, 2008	Case		2 3 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 390. O'Neill v. City of Philadelphia  817 F.Supp. 558, 567+, E.D.Pa. <p>Parking ticket recipients brought § 1983 action challenging city's reorganization of system of adjudicating parking violations. Motions for summary judgment were filed. The...</p>	Mar. 29, 1993	Case	  	2 3 9 S.Ct.
Discussed by	 391. Africa v. Anderson  542 F.Supp. 224, 225+, E.D.Pa. <p>Civil rights action was brought against state court trial judge and attorney alleging that at plaintiff's criminal trial she was deprived of her religious freedom by the state...</p>	Mar. 25, 1982	Case	  	1 9 S.Ct.
Discussed by	 392. U. S. ex rel. Boyer v. Patton  436 F.Supp. 881, 885+, E.D.Pa. <p>On petition of state prisoner, who was convicted of prison breach, for writ of habeas corpus, the District Court, Luongo, J., held that even assuming that relator's trial counsel...</p>	Sep. 06, 1977	Case	  	8 9 13 S.Ct.
Discussed by	 393. U. S. ex rel. Harding v. Marks  403 F.Supp. 946, 949+, E.D.Pa. <p>Pennsylvania prisoner filed petition for federal habeas corpus relief. The District Court, Clifford Scott Green, J., held that although trial counsel failed to object to certain...</p>	Nov. 14, 1975	Case	 	9 S.Ct.
Discussed by	 394. U. S. ex rel. Collins v. Maroney  287 F.Supp. 420, 425+, E.D.Pa. <p>Habeas corpus proceeding by state prisoner. The District Court, Higginbotham, J., on remand from the Court of Appeals, 3 Cir., 382 F.2d 547, held that evidence established that...</p>	July 05, 1968	Case	  	9 S.Ct.
Discussed by	 395. U. S. ex rel. Darcy v. Handy 97 F.Supp. 930, 932+, M.D.Pa. <p>The United States of America, on the relation of David Darcy, relator, brought habeas corpus proceedings against Earl D. Handy, warden of Bucks County Prison, and others,...</p>	May 17, 1951	Case	  	10 13 S.Ct.
Discussed by	 396. U. S. ex rel. Nortner v. Hiatt 33 F.Supp. 545, 546+, M.D.Pa. <p>Proceeding by the United States, on the relation of Ralph S. Nortner, for a writ of habeas corpus, directing William H. Hiatt, Warden of the United States Northeastern Penitentiary...</p>	June 18, 1940	Case	  	1 9 13 S.Ct.
Discussed by	 397. Leavitt v. Howard  332 F.Supp. 845, 848+, D.R.I. <p>Habeas corpus proceeding by state prisoner. The District Court, Pettine, Chief Judge, held that evidence failed to establish that accused, who, while in police custody, placed...</p>	Oct. 08, 1971	Case	  	9 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	398. Singletary v. Warden of Kershaw Correctional Inst. 2011 WL 2174498, *3+ , D.S.C. Petitioner, a state prisoner, seeks habeas relief pursuant to Title 28, United States Code, Section 2254. This matter is before the Court on Respondent's motion for summary...	Apr. 29, 2011	Case	   	14 S.Ct.
Discussed by	399. McDowell v. State of South Carolina/SCDC 2008 WL 5083104, *4+ , D.S.C. CRIMINAL JUSTICE - Habeas Corpus. A prisoner's habeas petition was denied as he failed to meet his burden to show that the PCR court committed error when it held that counsel was...	Nov. 24, 2008	Case	  	7 14 S.Ct.
Discussed by	 400. Stumes v. Solem  511 F.Supp. 1312, 1319+ , D.S.D. South Dakota prisoner filed a petition for a writ of habeas corpus. The District Court, Nichol, Senior Judge, held that: (1) when petitioner was not under indictment and had not...	Apr. 10, 1981	Case	  	1 4 9 S.Ct.
Discussed by	401. Cummins v. Phillips 2017 WL 6554889, *17+ , M.D.Tenn. This is a habeas corpus action brought by a state prisoner pursuant to 28 U.S.C. § 2254. Petitioner Christopher A. Cummins is serving a life sentence imposed by the Wayne County...	Dec. 22, 2017	Case	  	3 S.Ct.
Discussed by	402. Al-Ali v. Dotson 2008 WL 4129508, *7+ , M.D.Tenn. Pending before the Court are the pro se Petition For [Great] Writ of Habeas Corpus Relief (Docket Entry No. 4-1), under 28 U.S.C. § 2254, Respondent's Motion to Dismiss (Docket...	Sep. 02, 2008	Case	  	—
Discussed by	 403. Henderson v. Tollett  342 F.Supp. 113, 118+ , M.D.Tenn. Habeas corpus proceeding by state prisoner. The District Court, Frank Gray, Jr., Chief Judge, held that where petitioner was totally unaware of his right to challenge his...	Apr. 12, 1971	Case	  	2 9 S.Ct.
Discussed by	 404. Graham v. Blackwell  291 F.Supp. 761, 766+ , M.D.Tenn. Petitioner moved to reconsider its order denying motion to vacate sentence for failure to comply with federal wagering provisions applicable to persons engaged in business of...	May 03, 1968	Case	  	2 9 13 S.Ct.
Discussed by	405. Wilson v. Thaler  2012 WL 202079, *3+ , S.D.Tex. Petitioner, a state inmate proceeding pro se, seeks habeas relief under 28 U.S.C. § 2254, challenging his parole revocation. Respondent filed a motion for summary judgment (Docket...	Jan. 20, 2012	Case	  	4 S.Ct.

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	406. United States v. Roman-Rodriguez  2016 WL 7410568, *3+, D.Utah This matter is before the court on Defendant Jose Alfredo Roman-Rodriguez's Motion to Suppress statements he made during a custodial interrogation following his arrest on June 8,...	Dec. 22, 2016	Case	   	2 3 S.Ct.
Discussed by	 407. Johnson Oil Co. v. Department of Energy  1982 WL 1134, *6+, D.Utah This is an action seeking the clarification of rights under federal regulations and under a contract. The matter was duly tried to the Court on November 3, 4, 5, and 6, 1980. ...	Jan. 29, 1982	Case	   	3 9 S.Ct.
Discussed by	 408. Application of Sullivan  126 F.Supp. 564, 569+, D.Utah Proceeding for writ of habeas corpus. The District Court, Willis W. Ritter, Chief Judge, held that under the 14th Amendment to the federal Constitution, the petitioners, who had...	Nov. 30, 1954	Case	   	1 4 S.Ct.
Discussed by	 409. Mays v. Harris  369 F.Supp. 1348, 1351+, W.D.Va. Habeas corpus proceeding to redress misdemeanor convictions, which resulted in classification of petitioner as habitual offender pursuant to state law, and two subsequent...	Oct. 01, 1973	Case	  	2 9 S.Ct.
Discussed by	 410. McLaughlin v. Royster  346 F.Supp. 297, 306+, E.D.Va. The prisoner petitioned for writ of habeas corpus. The District Court, Merhige, J., held that where defendant accused of first-degree murder was paralyzed by fear of death...	July 25, 1972	Case	   	9 S.Ct.
Discussed by	411. U.S. v. Rathburn 472 F.Supp. 17, 20+, D.Vt. Petitioner applied for writ of habeas corpus, claiming that his 1967 conviction was obtained in violation of constitutional prohibition against double jeopardy. The District...	May 03, 1979	Case	   	7 9 14 S.Ct.
Discussed by	412. Davidson v. United States  2017 WL 9533069, *1+, W.D.Wash. This matter comes before the Court on Matthew C. Davidson's ("Petitioner") petition under 28 U.S.C. § 2255. Dkt. 1. The Court has considered the pleadings filed in support of and...	Feb. 22, 2017	Case	  	12 S.Ct.
Discussed by	413. Case v. Miller-Stout 2014 WL 5449862, *5+, W.D.Wash. Petitioner Richard Allan Case proceeds pro se in this habeas corpus matter pursuant to 28 U.S.C. § 2254. Petitioner is in custody pursuant to a 2006 conviction for murder in the...	Aug. 12, 2014	Case	  	—

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	414. Voigt v. Webb 47 F.Supp. 743, 747+, E.D.Wash. Habeas corpus proceedings by William Voigt, Jr., against Bert O. Webb, as Superintendent, Washington State Penitentiary, Walla Walla, Washington, to secure petitioner's release...	Nov. 13, 1942	Case		9 13 S.Ct.
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Discussed by	416. Buchanan v. City of Kenosha 90 F.Supp.2d 1008, 1014+, E.D.Wis. CIVIL RIGHTS - Immunity. Officer was not entitled to qualified immunity from arrestee's extradition violation claim.	Mar. 20, 2000	Case		3 9 S.Ct.
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Discussed by	420. Harvey v. Shillinger 893 F.Supp. 1021, 1028+, D.Wyo. Defendant was convicted in the Wyoming District Court, Sweetwater County, John D. Troughton, J., of conspiracy to commit kidnapping. Defendant appealed. The Supreme Court,...	Feb. 01, 1995	Case		2 3 S.Ct.
Discussed by	421. U.S. v. Pena-Gonzalez 62 F.Supp.2d 358, 361+, D.Puerto Rico Defendant charged with firearms murder in relation to drug trafficking offense moved to strike death penalty certification. The District Court, Fuste, J., held that: (1) total...	July 07, 1999	Case		1 9 S.Ct.
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Discussed by	 423. In re Sutton  470 B.R. 462, 475+, Bkrtcy.W.D.Mich. BANKRUPTCY - Jurisdiction. Bankruptcy court lacked power to enter money judgment in turnover proceeding.	Apr. 27, 2012	Case		 2 3 S.Ct.
Discussed by	 424. Hermes Consolidated, Inc. v. U.S.  58 Fed.Cl. 409, 411+, Fed.Cl. GOVERNMENT CONTRACTS - Performance and Breach. Supplier of military jet fuel knowingly waived its breach of contract claim against government.	Nov. 03, 2003	Case		 3 9 S.Ct.
Discussed by	 425. U.S. v. Harcrow  66 M.J. 154, 156+, U.S. Armed Forces MILITARY LAW - Evidence. Laboratory reports constituted testimonial statements subject to Confrontation Clause analysis.	Mar. 13, 2008	Case		 3 4 S.Ct.
Discussed by	426. U.S. v. Villamizar  2005 WL 3438571, *2+, N.M.Ct.Crim.App. A military judge, sitting as a general court-martial, convicted the appellant, pursuant to his pleas, of unauthorized absence, two specifications of failure to go to his appointed...	Dec. 05, 2005	Case		 3 S.Ct.
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Discussed by	428. Flagg v. State  272 So.3d 233, 237+, Ala.Crim.App. CRIMINAL JUSTICE — Counsel. Based on totality of circumstances defendant's decision to waive right to counsel and represent himself was not knowing, intelligent, and voluntary.	Sep. 07, 2018	Case		 4 9 S.Ct.
Discussed by	429. Battles v. State  263 So.3d 1087, 1090+, Ala.Crim.App. CRIMINAL JUSTICE — Counsel. Defendant's decision to waive his right to counsel was not made knowingly, intelligently, or voluntarily.	Apr. 27, 2018	Case		 4 9 S.Ct.
Discussed by	430. Kennedy v. State  186 So.3d 507, 519+, Ala.Crim.App. CRIMINAL JUSTICE - Counsel. Court abused its discretion when it revoked defendant's right of self-representation.	July 10, 2015	Case		 4 S.Ct.
Discussed by	431. Swain v. State  173 So.3d 943, 944+, Ala.Crim.App. AFFIRMED BY UNPUBLISHED MEMORANDUM.	Sep. 05, 2014	Case		 4 9 S.Ct.

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Discussed by	432. Frost v. State 141 So.3d 1103, 1105+, Ala.Crim.App. CRIMINAL JUSTICE - Pleas. Court had to determine that defendant knew he had right to assistance of counsel with respect to motion to withdraw his pleas.	Nov. 02, 2012	Case		9 13 S.Ct.
Discussed by	433. Presley v. City of Attala 88 So.3d 930, 932+, Ala.Crim.App. CRIMINAL JUSTICE - Counsel. Record did not show that defendant who represented himself knowingly and voluntarily waived his right to counsel.	Dec. 16, 2011	Case		2 4 9 S.Ct.
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Discussed by	436. Harris v. State 27 So.3d 564, 571+, Ala.Crim.App. CRIMINAL JUSTICE - Counsel. Firing defense counsel on eve of trial based on lack of preparation was not an implied waiver of right to counsel.	Mar. 23, 2007	Case		1 9 S.Ct.
Discussed by	437. Baker v. State 933 So.2d 406, 408+, Ala.Crim.App. CRIMINAL JUSTICE - Counsel. Defendant knowingly, intelligently, and voluntarily waived his constitutional right to counsel at trial.	Aug. 26, 2005	Case		1 4 9 S.Ct.
Discussed by	438. Coughlin v. State 842 So.2d 30, 33+, Ala.Crim.App. CRIMINAL JUSTICE - Counsel. Nonindigent defendant's waiver of counsel was knowing and voluntary.	May 31, 2002	Case		4 9 13 S.Ct.
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Judgment Reversed	 14. Johnson v. Zerbst 92 F.2d 748, C.C.A.5 (Ga.), 1937 Appeals from the District Court of the United States for the Northern District of Georgia; E. Marvin Underwood, Judge. Proceedings for writs of habeas corpus by John A. Johnson and...	Case	  		1021
Mentioned	 15. Knewel v. Egan 45 S.Ct. 522, U.S.S.D., 1925 Appeal from the District Court of the United States for the District of South Dakota. Habeas corpus proceeding by George Egan against Vincent L. Knewel, as sheriff of Minnehaha...	Case	  		1024

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Cited	 17. Moore v. Dempsey 43 S.Ct. 265, U.S.Ark., 1923 Appeal from the District Court of the United States for the Eastern District of Arkansas. Habeas corpus proceedings by Frank Moore and others against E. H. Dempsey, Keeper of the...	Case	  		1024+
Cited	 18. Ohio Bell Tel. Co. v. Public Utilities Commission of Ohio 57 S.Ct. 724, U.S.Ohio, 1937 Proceedings by the Ohio Bell Telephone Company against the Public Utilities Commission of Ohio. From a decree of the Supreme Court of Ohio (131 Ohio St. 539, 3 N.E.(2d) 475),...	Case	  		1023
Cited	 19. Palko v. State of Connecticut 58 S.Ct. 149, U.S.Conn., 1937 Frank Palko was convicted of murder in the first degree, and he appeals from a judgment (122 Conn. 529, 191 A. 320), affirming the judgment of conviction. Affirmed. Mr. Justice...	Case	  		1022
Discussed	 20. Patton v. U.S. 50 S.Ct. 253, U.S.Okla., 1930 On Certificate from the United States Circuit Court of Appeals for the Eighth Circuit. John Patton and others were convicted on a charge of conspiracy to bribe a federal...	Case	  		1022+
Cited	 21. Powell v. State of Ala. 53 S.Ct. 55, U.S.Ala., 1932 On Writs of Certiorari to the Supreme Court of the State of Alabama. Ozie Powell, Willie Roberson, Andy Wright, Olen Montgomery, and Eugene Williams were convicted of rape, and...	Case	  		1023
Cited	22. Woolsey v. Best 57 S.Ct. 2, U.S.Colo., 1936 Habeas corpus proceeding by H. E. Woolsey against Roy Best, Warden, etc. From a judgment dismissing the proceeding, H. E. Woolsey appeals. Appeal dismissed.	Case	  		1024