

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Smith v. Mahoney

611 F.3d 978 (9th Cir. 2010) · No. No. 94-99003 · Decided July 13, 2010

SUMMARY

The Ninth Circuit reviewed Ronald Smith's federal habeas claims arising from his Montana death sentences, including ineffective assistance of counsel during the original sentencing and challenges to a later resentencing. The court held that counsel's performance was deficient but that Smith failed to establish prejudice, and it affirmed the district court's denial of his remaining claims concerning mitigating evidence, judicial bias, and the Eighth Amendment. The document is an order and amended per curiam opinion filed in 2010.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Sidney R. Thomas; Betty B. Fletcher; M. Margaret McKeown
JURISDICTION	Federal
DECIDED	July 13, 2010
DOCKET	No. 94-99003
DISPOSITION	affirmed
PROCEDURAL POSTURE	Smith appealed the federal district court's denial of his original ineffective-assistance-of-counsel claim and its denial of challenges to his 1995 Montana death sentence in a federal habeas proceeding.
STANDARD OF REVIEW	The court reviewed the ineffective-assistance claim de novo, reviewed factual findings for clear error, reviewed denial of discovery and an evidentiary hearing for abuse of discretion, and reviewed denial of habeas relief de novo. Because the case was initiated before AEDPA's effective date, the court applied pre-AEDPA habeas standards.
PRECEDENTIAL VALUE	published precedential Ninth Circuit opinion
PARTIES	Ronald A. Smith v. Michael Mahoney, Montana State Prison

TOPICS

federal habeas corpus

ineffective assistance

sentencing

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether trial counsel provided ineffective assistance by failing to investigate the crime and Smith's mental state and failing to advise him about possible defenses before he pleaded guilty and requested the death penalty.
2. Whether AEDPA's certificate-of-appealability requirement and statute of limitations applied to Smith's amended habeas petition.
3. Whether the sentencing court violated the Eighth Amendment by failing to consider proportionality evidence as mitigating evidence.
4. Whether the resentencing judge was constitutionally biased or whether the district court abused its discretion by denying discovery and an evidentiary hearing on bias.
5. Whether Smith's approximately twenty-five years on death row made continued incarceration and execution unconstitutional under the Eighth Amendment.

HOLDINGS

1. Counsel's performance fell below an objective standard of reasonableness because counsel failed to investigate the facts of the crimes, investigate Smith's mental state, and discuss possible defenses before Smith pleaded guilty. Smith nevertheless was not entitled to habeas relief because he failed to establish prejudice: there was no reasonable probability that, but for counsel's errors, he would have rejected his determined decision to plead guilty and seek the death penalty and insisted on going to trial.
2. AEDPA's certificate-of-appealability requirement and one-year statute of limitations did not apply because the appellate proceeding and the underlying habeas case were initiated before AEDPA's effective date; the later amendment remained part of the same pending case.
3. The sentencing court did not violate Lockett by failing to treat evidence comparing Smith's sentence with sentences imposed on other defendants as constitutionally required mitigating evidence.
4. The district court did not abuse its discretion by denying discovery and an evidentiary hearing because Smith's allegations did not sufficiently show that Judge Larson was actually biased or that further factual development could establish a constitutional violation.
5. Smith's Eighth Amendment claim based on the length of his incarceration on death row could not be granted on habeas review because recognizing the proposed constitutional rule would be new under Teague and was not compelled by precedent existing when his conviction became final.

KEY QUOTATIONS

"Smith's intent to plead guilty mitigated, but did not eliminate, his attorney's duty to reasonably investigate."
(987)

“A guilty plea is only valid if it “represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.”” (988)

“Enforcing the rule proposed by Smith would therefore “break[] new ground or impose[] a new obligation on the States,” Teague, 489 U.S. at 301, 109 S. Ct. 1060, and we must therefore reject it.” (999)

FACTUAL BACKGROUND

Smith and two companions murdered Thomas Running Rabbit, Jr. and Harvey Mad Man, Jr. in Montana after deciding to steal their vehicle. Smith rejected a plea bargain that would have avoided the death penalty, pleaded guilty, and requested execution, but changed his mind shortly afterward. His original defense counsel conducted little investigation, did not obtain a psychiatric evaluation, and did not discuss possible defenses before the plea. Smith was resentenced several times and ultimately challenged both the effectiveness of counsel and his 1995 death sentence.

PROCEDURAL HISTORY

Smith pleaded guilty to two murders and requested the death penalty. After several state resentencings and a prior federal habeas appeal, the federal district court held an evidentiary hearing on ineffective assistance and denied relief in 1994. Smith later amended his habeas petition to challenge his 1995 death sentence; the district court granted summary judgment for Montana in 2007. The Ninth Circuit affirmed both decisions.

DISPOSITION

affirmed

CASES CITED

- Duncan v. Ornoski, 528 F.3d 1222 (9th Cir. 2008)
- Summerlin v. Schriro, 427 F.3d 623 (9th Cir. 2005) (en banc)
- Strickland v. Washington, 466 U.S. 668 (1984)
- Hill v. Lockhart, 474 U.S. 52 (1985)
- Langford v. Day, 110 F.3d 1380 (9th Cir. 1997)
- Rompilla v. Beard, 545 U.S. 374 (2005)
- Jennings v. Woodford, 290 F.3d 1006 (9th Cir. 2002)
- Boykin v. Alabama, 395 U.S. 238 (1969)
- North Carolina v. Alford, 400 U.S. 25 (1970)
- Lindh v. Murphy, 521 U.S. 320 (1997)
- Woodford v. Garceau, 538 U.S. 202 (2003)
- Mayle v. Felix, 545 U.S. 644 (2005)
- Lockett v. Ohio, 438 U.S. 586 (1978)
- Beardslee v. Woodford, 358 F.3d 560 (9th Cir. 2004)
- Bracy v. Gramley, 520 U.S. 899 (1997)

- Teague v. Lane, 489 U.S. 288 (1989)
- Saffle v. Parks, 494 U.S. 484 (1990)
- Allen v. Ornoski, 435 F.3d 946 (9th Cir. 2006)
- State v. Azure, 175 Mont. 189, 573 P.2d 179 (1977)
- State v. Sage, 221 Mont. 192, 717 P.2d 1096 (1986)
- State v. Howell, 287 Mont. 268, 954 P.2d 1102 (1998)
- State v. Buckley, 171 Mont. 238, 557 P.2d 283 (1976)

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