

SUPREME COURT OF CONNECTICUT

Joseph Moore v. Commissioner of Correction

Moore · No. SC 20252 · Decided September 28, 2021

SUMMARY

The Connecticut Supreme Court affirmed the dismissal of Joseph Moore’s appeal from the denial of his habeas petition alleging ineffective assistance of counsel during plea negotiations. The court held that defense counsel has an obligation to address a client’s expressed, material misunderstanding of law that influences the decision whether to accept a plea offer or proceed to trial. Moore nonetheless failed to prevail because the habeas court credited counsel’s testimony and found that Moore had not proved counsel failed to advise him of his sentencing exposure for the lesser included offense with applicable enhancements.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Robinson, C. J.; McDonald, J.; D’Auria, J.; Kahn, J.; Ecker, J.
JURISDICTION	Connecticut
DECIDED	September 28, 2021
DOCKET	SC 20252
DISPOSITION	affirmed
PROCEDURAL POSTURE	The petitioner sought habeas corpus relief based on ineffective assistance of trial counsel during plea negotiations. The habeas court denied the amended petition and denied certification to appeal; the Appellate Court dismissed the appeal. The Connecticut Supreme Court granted certification and affirmed the Appellate Court.
STANDARD OF REVIEW	Habeas factual findings are reviewed for clear error, while application of the legal standard to those findings is reviewed plenary. On review of a denial of certification to appeal, the petitioner must first show an abuse of discretion and then establish that the habeas judgment should be reversed on the merits.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Joseph Moore v. Commissioner of Correction

TOPICS

ineffective assistance

plea bargaining

state post-conviction relief

habeas corpus

sixth amendment

PRACTICE AREAS

criminal procedure

post-conviction relief

ineffective assistance of counsel

plea bargaining

habeas corpus

QUESTIONS PRESENTED

1. Whether defense counsel has a duty during plea negotiations to correct a criminal defendant's expressed, material misunderstanding of the law that influences the defendant's decision whether to accept a plea offer or proceed to trial.
2. Whether Moore established deficient performance by proving that trial counsel failed to advise him of his sentencing exposure for third-degree robbery with applicable enhancements.
3. Whether the Appellate Court properly dismissed Moore's appeal from the denial of habeas relief and certification to appeal.

HOLDINGS

1. When a criminal defendant expresses a material misunderstanding of law that appears to influence the decision whether to accept a plea offer or proceed to trial, trial counsel has an obligation to address and correct that misunderstanding by providing accurate and complete advice.
2. Moore failed to establish ineffective assistance because he did not prove that counsel failed to advise him of his maximum sentencing exposure for third-degree robbery with enhancements.
3. The Appellate Court properly dismissed Moore's appeal from the denial of his petition for certification to appeal, and its judgment was affirmed.

KEY QUOTATIONS

"Given the gravity of a defendant's decision whether to accept a plea offer or proceed to trial, we conclude that trial counsel has an obligation to address a material misunderstanding of law, expressed by the client, that appears to influence the client's decision whether to accept a plea offer or to proceed to trial."

"A defendant cannot make an intelligent choice about whether to accept a plea offer unless he fully understands the risks of proceeding to trial."

FACTUAL BACKGROUND

Moore was arrested after entering a bank and demanding cash. He was charged with first-degree robbery, commission of a class B felony with a firearm, committing offenses while on release, and being a persistent felony offender. During plea negotiations, the state made three offers involving ten or fifteen years of imprisonment, but Moore rejected them because he believed the evidence supported only third-degree robbery and that his maximum sentence would be five years. Trial counsel testified that he was reasonably certain he had advised Moore that sentence enhancements would apply even to a third-degree robbery conviction and would expose Moore to more than ten years.

PROCEDURAL HISTORY

Moore was convicted after a jury trial and received a total effective sentence of thirty-four years. He filed an amended state habeas petition alleging that trial counsel failed to advise him adequately about his sentencing exposure if convicted of the lesser included offense of robbery in the third degree. The habeas court denied relief, the Appellate Court dismissed Moore's appeal from the denial of certification, and the Supreme Court affirmed after granting certification.

DISPOSITION

affirmed

CASES CITED

- Moore v. Commissioner of Correction, 186 Conn. App. 254, 255–58, 270, 199 A.3d 594 (2018)
- State v. Moore, 141 Conn. App. 814, 825, 64 A.3d 787, cert. denied, 309 Conn. 908, 68 A.3d 663 (2013)
- Ebron v. Commissioner of Correction, 307 Conn. 342, 351, 357, 53 A.3d 983 (2012), cert. denied sub nom. Arnone v. Ebron, 569 U.S. 913 (2013)
- Meletrich v. Commissioner of Correction, 332 Conn. 615, 626, 212 A.3d 678 (2019)
- Missouri v. Frye, 566 U.S. 134, 143–44 (2012)
- Lafler v. Cooper, 566 U.S. 156, 170 (2012)
- Strickland v. Washington, 466 U.S. 668, 687–90 (1984)
- Padilla v. Kentucky, 559 U.S. 356, 366–70 (2010)
- Purdy v. United States, 208 F.3d 41, 44–46 (2d Cir. 2000)
- Davis v. Commissioner of Correction, 319 Conn. 548, 555, 126 A.3d 538 (2015), cert. denied sub nom. Semple v. Davis, 136 S. Ct. 1676 (2016)
- United States v. Penoncello, 358 F. Supp. 3d 815, 822–23 (D. Minn. 2019)
- United States v. Day, 969 F.2d 39, 43–44 (3d Cir. 1992)
- United States v. Herrera, 412 F.3d 577, 580 (5th Cir. 2005)
- Smith v. United States, 348 F.3d 545, 553 (6th Cir. 2003)
- United States v. Bennett, 588 F. App'x 159, 161 (3d Cir. 2014)
- Lee v. United States, 582 U.S. 357, 137 S. Ct. 1958, 1967 (2017)
- CCT Communications, Inc. v. Zone Telecom, Inc., 327 Conn. 114, 126, 172 A.3d 1228 (2017)