

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

Robert Lamont Burgess v. Randy Irwin and Beaver County District
Attorney

Burgess · No. 23-1113 · Decided June 8, 2026

SUMMARY

The United States District Court for the Western District of Pennsylvania overruled Robert Lamont Burgess's objections to a magistrate judge's Report and Recommendation and denied his 28 U.S.C. § 2254 habeas petition. The court upheld the state courts' rejection of his ineffective-assistance claims concerning sufficiency-of-the-evidence arguments and the failure to call a prospective witness, adopted the Report and Recommendation, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Western District of Pennsylvania
WRITING FOR THE COURT	Marilyn J. Horan
JURISDICTION	United States District Court for the Western District of Pennsylvania
DECIDED	June 8, 2026
DOCKET	23-1113
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from a Pennsylvania state-court judgment of sentence and objected to a magistrate judge's recommendation that the petition and certificate of appealability be denied.
STANDARD OF REVIEW	For timely objections to a magistrate judge's report and recommendation, the district court conducts de novo review of the portions to which objection is made. Under 28 U.S.C. § 2254(d), relief is unavailable unless the state-court adjudication was contrary to, or involved an unreasonable application of, clearly established federal law, or was based on an unreasonable determination of the facts. For the ineffective-assistance claims, the relevant federal standard was Strickland v. Washington. The court stated that it would conduct a de novo evaluation of the evidence only if the petitioner first established

	that the state court's determination was contrary to, or an unreasonable application of, established federal law.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Robert Lamont Burgess v. Randy Irwin, Beaver County District Attorney

TOPICS

federal habeas corpus ineffective assistance post-conviction relief standard of review appellate procedure

PRACTICE AREAS

federal habeas corpus criminal procedure post-conviction relief ineffective assistance appellate procedure

QUESTIONS PRESENTED

1. Whether the state court's rejection of Burgess's ineffective-assistance claim based on counsel's failure to raise a sufficiency-of-the-evidence issue on direct appeal was contrary to or an unreasonable application of Strickland or based on an unreasonable determination of the facts.
2. Whether the state court's rejection of Burgess's ineffective-assistance claim based on counsel's failure to call Lamont Street as a witness was contrary to or an unreasonable application of Strickland or based on an unreasonable determination of the facts.
3. Whether Burgess was entitled to a certificate of appealability.

HOLDINGS

1. The state court's rejection of Burgess's ineffective-assistance claim was not contrary to, and did not involve an unreasonable application of, Strickland, nor was it based on an unreasonable determination of the facts. The district court therefore overruled the objection and denied habeas relief on the claim.
2. The state court's rejection of Burgess's ineffective-assistance claim was not contrary to, and did not involve an unreasonable application of, Strickland, nor was it based on an unreasonable determination of the facts.
3. A certificate of appealability was denied because reasonable jurists would not disagree with the analysis supporting denial of the petition.

KEY QUOTATIONS

“The Magistrate Judge will only conduct a de novo evaluation of the evidence if Petitioner first establishes that the state court’s determination is contrary to, or an unreasonable application of, established federal law.” (Objection One)

“A certificate of appealability is DENIED, as jurists of reason would not disagree with the analysis of the Report.” (Order)

FACTUAL BACKGROUND

Burgess was convicted of two counts of first-degree murder and numerous related offenses arising from an armed home invasion intended to recover marijuana. Burgess and a co-defendant entered the home wearing masks and carrying guns, restrained two adults and two children, and separately shot and killed each adult. At the post-conviction stage, Burgess challenged counsel's failure to pursue a sufficiency-of-the-evidence claim on direct appeal and counsel's decision not to call prospective witness Lamont Street, who had been uncooperative during an interview.

PROCEDURAL HISTORY

Burgess filed a § 2254 petition asserting ineffective assistance of counsel based on counsel's failure to raise a sufficiency-of-the-evidence claim on direct appeal and failure to call Lamont Street as a witness. The state PCRA court rejected both claims, and the decision was affirmed on appeal. A magistrate judge recommended denial of the federal petition and a certificate of appealability. After de novo review of the objections, the district court overruled them, adopted the Report and Recommendation, denied the petition, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 684 (1984)
- Vickers v. Superintendent Graterford SCI, 858 F.3d 841, 848-89 (3d Cir. 2017)
- Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989)