

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Smith v. Finley

No. 20-cv-02933 (CRC) (D.D.C. Mar. 4, 2021) · No. 20-cv-02933 (CRC) · Decided March 4, 2021

SUMMARY

The United States District Court for the District of Columbia denied Sydney E. Smith's petition for a writ of habeas corpus. The court held that D.C. Code § 23-110 deprived it of jurisdiction over Smith's claim that ineffective assistance of collateral counsel caused a procedural default of his ineffective-assistance-of-trial-counsel claim. The court also dismissed the petition as duplicative of an earlier habeas action filed by Smith.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Christopher R. Cooper
JURISDICTION	USA
DECIDED	March 4, 2021
DOCKET	20-cv-02933 (CRC)
DISPOSITION	other
PROCEDURAL POSTURE	Petition for federal habeas corpus under 28 U.S.C. § 2254 challenging a D.C. Superior Court conviction and asserting ineffective assistance of collateral counsel as a basis for excusing procedural default of an ineffective-assistance-of-trial-counsel claim.
STANDARD OF REVIEW	The court reviewed the habeas petition under the jurisdictional limitations of 28 U.S.C. § 2254 and D.C. Code § 23-110, and exercised discretion to dismiss a duplicative action.
PRECEDENTIAL VALUE	District court memorandum opinion; precedential effect not specified in the source.
PARTIES	Sydney E. Smith v. Scott Finley

TOPICS

federal habeas corpus

state post-conviction relief

ineffective assistance

successive petitions

appellate procedure

PRACTICE AREAS

Federal habeas corpus

Criminal procedure

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court had jurisdiction under 28 U.S.C. § 2254 to consider Smith's challenge to the effectiveness of collateral counsel in D.C. Superior Court proceedings.
2. Whether *Martinez v. Ryan* permitted Smith to use alleged ineffective assistance of collateral counsel to overcome procedural default of his ineffective-assistance-of-trial-counsel claim.
3. Whether the petition should be dismissed as duplicative because Smith had already filed a federal habeas action involving the same subject matter and defendant.

HOLDINGS

1. D.C. Code § 23-110 generally divests federal courts of jurisdiction over habeas petitions by D.C. prisoners who had an available § 23-110 remedy, unless that remedy was inadequate or ineffective to test the legality of detention or the petition asserts ineffective assistance of appellate counsel.
2. *Martinez v. Ryan* does not provide a procedural-default gateway for Smith's ineffective-assistance-of-trial-counsel claim because D.C. petitioners may raise ineffective assistance of trial counsel on direct appeal rather than being effectively required to raise it initially in state post-conviction proceedings.
3. A district court may dismiss a duplicative action when the plaintiff has no right to maintain two separate actions involving the same subject matter at the same time in the same court against the same defendant.

KEY QUOTATIONS

“The D.C. Circuit has interpreted this provision as “entirely divest[ing] the federal courts of jurisdiction to hear habeas corpus petitions by prisoners who had a [§] 23-110 remedy available to them[.]”” (at 3)

“Martinez permits petitioners to overcome procedural default “in a single context—where the State effectively requires a defendant to bring that claim in state postconviction proceedings rather than on direct appeal.”” (at 4)

“Smith thus filed the present petition while the proceedings regarding his first petition were still ongoing. Dismissal of Smith’s petition is warranted on this independent basis.” (at 5)

FACTUAL BACKGROUND

Smith is serving thirty years to life after a D.C. Superior Court jury convicted him of first-degree murder. In collateral proceedings, he alleged that trial counsel failed to investigate and present alibi witnesses, and later claimed that collateral counsel was ineffective for failing to pursue that trial-counsel claim adequately. Smith previously presented the same theory in a federal habeas petition, and filed the present petition while his appeal from dismissal of the earlier petition remained pending.

PROCEDURAL HISTORY

Smith was convicted of first-degree murder in D.C. Superior Court and received a sentence of thirty years to life. After unsuccessful direct and collateral proceedings, he filed an earlier federal habeas petition, which the District Court dismissed for lack of jurisdiction under D.C. Code § 23-110; the court later denied reconsideration but granted a certificate of appealability. While that appeal was pending, Smith filed this second federal habeas petition asserting essentially the same claims. The Court denied the petition and concluded that dismissal was independently warranted because the action was duplicative.

DISPOSITION

other

CASES CITED

- Smith v. Finley, No. 19-1763, 2020 WL 1536254 (D.D.C. Mar. 30, 2020)
- Smith v. Finley, No. 19-1763, 2020 WL 5253982 (D.D.C. Sept. 3, 2020)
- Shepard v. United States, 533 A.2d 1278, 1280 (D.C. 1987)
- Milhouse v. Levi, 548 F.2d 357, 360 n.6 (D.C. Cir. 1976)
- Gorbey v. United States, 55 F. Supp. 3d 98, 102 (D.D.C. 2014)
- Blair-Bey v. Quick, 151 F.3d 1036, 1042 (D.C. Cir. 1998)
- Williams v. Martinez, 586 F.3d 995, 996, 1001 (D.C. Cir. 2009)
- Martinez v. Ryan, 566 U.S. 1, 9 (2012)
- Davila v. Davis, 137 S. Ct. 2058, 2062-63 (2017)
- Johnson v. Wilson, 72 F. Supp. 3d 327, 329 (D.D.C. 2014)
- Baird v. Gotbaum, 792 F.3d 166, 171 (D.C. Cir. 2015)
- Columbia Plaza Corp. v. Security National Bank, 525 F.2d 620, 626 (D.C. Cir. 1975)
- Sweeney v. U.S. Parole Commission, 197 F. Supp. 3d 78, 80-82 (D.D.C. 2016)