

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Rodney Clemons v. Randy Pfister

845 F.3d 816 (7th Cir. 2017) · No. No. 14-3797 · Decided January 9, 2017

SUMMARY

The Seventh Circuit affirmed the denial of Rodney Clemons’s federal habeas petition concerning his ineffective-assistance claim based on trial counsel’s failure to call an alibi witness. The court held that the claim was procedurally defaulted because the Illinois appellate court declined to consider it under the state rule disfavoring hybrid representation. The court concluded that this rule was an independent and adequate state ground barring federal habeas review.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Diane P. Wood? No—opinion signed by Sykes, Circuit Judge; Frank H. Easterbrook; Ann Claire Williams; Diane P. Wood? No—Sykes, Circuit Judge
JURISDICTION	Federal
DECIDED	January 9, 2017
DOCKET	No. 14-3797
DISPOSITION	affirmed
PROCEDURAL POSTURE	Rodney Clemons appealed the denial of his 28 U.S.C. § 2254 habeas petition. The Seventh Circuit granted a certificate of appealability limited to his ineffective-assistance claim concerning trial counsel's failure to call an alibi witness.
STANDARD OF REVIEW	The Seventh Circuit reviewed the ruling on procedural default de novo.
PRECEDENTIAL VALUE	published precedential federal appellate opinion
PARTIES	Rodney Clemons v. Randy Pfister, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- successive petitions
- ineffective assistance
- appellate procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

criminal procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether Clemons's ineffective-assistance claim under *Strickland v. Washington* was procedurally defaulted because the Illinois Appellate Court declined to consider it when raised only in a pro se reply brief filed while Clemons was represented by counsel.
2. Whether the Illinois rule against hybrid representation was an independent and adequate state ground barring federal habeas review.

HOLDINGS

1. The Illinois appellate court's enforcement of its general rule disfavoring hybrid representation was an independent and adequate state ground of decision that procedurally defaulted Clemons's ineffective-assistance claim and precluded federal habeas review.

KEY QUOTATIONS

“Procedural default precludes federal merits review of Clemons’s Strickland claim.” (845 F.3d at 816)

“That was an independent and adequate state ground of decision and precludes federal habeas review of Clemons’s Strickland claim.” (845 F.3d at 823)

FACTUAL BACKGROUND

In 2005, an Illinois jury convicted Rodney Clemons of murdering Doris Smith, his former girlfriend and the mother of his infant son, after eyewitnesses identified him as the shooter. In state postconviction proceedings, Clemons alleged that trial counsel was ineffective for failing to call Andre Smith as an alibi witness. Clemons raised that claim in a pro se filing during his counseled state appeal, but the Illinois Appellate Court declined to consider it under its rule disfavoring hybrid representation.

PROCEDURAL HISTORY

An Illinois jury convicted Clemons of murder and a related firearm offense, and he was sentenced to 45 years in prison. After an unsuccessful direct appeal and state postconviction proceedings, Clemons sought federal habeas relief. The district court held that his ineffective-assistance claim was procedurally defaulted and also rejected it on the merits. The Seventh Circuit affirmed on procedural-default grounds.

DISPOSITION

affirmed

CASES CITED

- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *Thomas v. Williams*, 822 F.3d 378, 384 (7th Cir. 2016)

- Richardson v. Lemke, 745 F.3d 258, 268 (7th Cir. 2014)
- Walker v. Martin, 562 U.S. 307, 316, 320-21 (2011)
- Beard v. Kindler, 558 U.S. 53, 60, 65 (2009)
- People v. Guest, 503 N.E.2d 255, 274 (Ill. 1986)
- People v. Pierce, 325 N.E.2d 758, 766 n.2 (Ill. App. Ct. 1975)
- Prihoda v. McCaughtry, 910 F.2d 1379, 1383 (7th Cir. 1990)

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