

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA

David Bryan Robertson v. Warden Mark Agboasi

Robertson · No. 1:25-CV-50 (MTT) · Decided January 7, 2026

SUMMARY

The United States District Court for the Middle District of Georgia adopted the Magistrate Judge’s recommendation and denied David Bryan Robertson’s petitions for habeas relief under 28 U.S.C. § 2254. The Court held that Robertson had not shown prejudice under Strickland v. Washington and that the presumption of prejudice under United States v. Cronin was inapplicable. The Court also denied a certificate of appealability and Robertson’s motion for one.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia
WRITING FOR THE COURT	Marc T. Treadwell
JURISDICTION	United States District Court for the Middle District of Georgia
DECIDED	January 7, 2026
DOCKET	1:25-CV-50 (MTT)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner objected to a magistrate judge's recommendation that his petitions for a writ of habeas corpus under 28 U.S.C. § 2254 be denied and separately moved for a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge's recommendation because Robertson objected, pursuant to 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	David Bryan Robertson v. Warden Mark Agboasi

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review
- constitutional law

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- criminal procedure
- ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the state habeas court found that Robertson established both deficient performance and prejudice under Strickland v. Washington.
2. Whether the presumption of prejudice under United States v. Cronic applied to Robertson's ineffective-assistance claim.
3. Whether Robertson was entitled to habeas relief or a certificate of appealability.

HOLDINGS

1. The state habeas court found that Robertson satisfied only the deficient-performance prong and failed to demonstrate prejudice.
2. The Cronic presumption of prejudice did not apply because Robertson did not show constructive abandonment or comparable circumstances demonstrating that appellate counsel's deficient performance changed the outcome of the criminal proceedings.
3. Robertson's § 2254 petitions were denied, and the court denied both a certificate of appealability and his motion for a certificate of appealability.

KEY QUOTATIONS

“The state habeas court found that Petitioner satisfied the first Strickland prong but that he had failed to demonstrate prejudice.” (ECF 11 at 5)

“has not developed specific grounds for showing how [appellate counsel’s] deficient performance amounted to ‘constructive’ abandonment or otherwise resulted in any change to the outcome of his criminal proceedings” (ECF 11 at 9-10)

“The Recommendation (ECF 11) is ADOPTED and made the Order of the Court.” (Order disposition)

FACTUAL BACKGROUND

Robertson sought federal habeas relief under 28 U.S.C. § 2254, asserting ineffective assistance of appellate counsel. The state habeas court found that counsel's performance was deficient but that Robertson failed to establish prejudice under Strickland. Robertson argued that the state court had found both Strickland prongs satisfied and that the presumption-of-prejudice rule from United States v. Cronic applied.

PROCEDURAL HISTORY

The magistrate judge recommended denial of Robertson's § 2254 habeas petitions. After Robertson filed objections, the district court reviewed the recommendation de novo under 28 U.S.C. § 636(b)(1), adopted it, denied the petitions, and denied a certificate of appealability and the related motion.

DISPOSITION

other

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 687 (1984)
- United States v. Chronic, 466 U.S. 648, 659 (1984)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION DAVID BRYAN ROBERTSON,))) Petitioner,)) v.) CIVIL ACTION NO.
1:25-CV-50 (MTT)) Warden MARK AGBOASI,))) Respondent.)) ORDER United States
Magistrate Judge Charles H. Weigle recommends that David Robertson's habeas petitions pursuant
to 28 U.S.C. § 2254 be denied.

ECF 11. Robertson has objected, so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews the Recommendation de novo. Robertson raises two objections. First, he argues that the state habeas court concluded that Robertson satisfied both prongs of the ineffective assistance of counsel test set forth in Strickland v. Washington, 466 U.S. 668, 687 (1984). ECF 12 at 4-5.

It appears that Robertson misunderstands the state habeas court's analysis. He maintains, "the habeas court's determination in stating 'the Court is convinced that [appellate counsel] rendered ineffective assistance' ascertains the Petitioner has satisfied both principles implemented in the Strickland v. Washington standard of review: (1) deficient performance and (2) prejudice." Id. But as the Magistrate Judge explained, "[t]he state habeas court found that Petitioner satisfied the first Strickland prong but that he had failed to demonstrate prejudice." ECF 11 at 5.

Second, Robertson argues that he should be granted a certificate of appealability because "there are two (2) standards of review applying to the ground for relief in his petition: (1) the demonstration of prejudice standard as implemented in Strickland v. Washington ... [and] (2) the presumption of prejudice standard as implemented in United States v. Chronic, 466 U.S. 648, 659 (1984)." ECF 12 at 7-8.

Robertson also filed a motion for a certificate of appealability. ECF 13. The Magistrate Judge concluded that Robertson "has not developed specific grounds for showing how [appellate counsel's] deficient performance amounted to 'constructive' abandonment or otherwise resulted in any change to the outcome of his criminal proceedings," and thus the Chronic standard does not apply.

ECF 11 at 9-10. Robertson does not attempt to make this showing in either his objection or motion, and the Court agrees with the Magistrate Judge that Chronic's presumption of prejudice is inapplicable here. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

The Recommendation (ECF 11) is ADOPTED and made the Order of the Court. Accordingly, Robertson's Section 2254 petitions (ECF 1, 6, 8) are DENIED. A certificate of appealability and Robertson's motion for a certificate of appealability (ECF 13) are DENIED. SO ORDERED, this 7th day of January, 2026. S/ Marc T. Treadwell MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT

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