

## Supreme Court Limits Inmates' Challenges Based on Bad Legal Help

Splitting 6 to 3, the justices ruled that federal courts may not hold evidentiary hearings in suits from state prisoners claiming ineffective assistance of counsel.



By Adam Liptak

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WASHINGTON — Ruling against two Arizona death row inmates, the Supreme Court on Monday sharply cut back on prisoners' ability to challenge their convictions in federal court by arguing that their lawyers had been ineffective in state court proceedings.

The 6-to-3 decision split along ideological lines. Justice Clarence Thomas, writing for the majority, said that a federal court considering a habeas corpus petition “may not conduct an evidentiary hearing or otherwise consider evidence beyond the state-court record based on ineffective assistance of state post-conviction counsel.”

He based his decision on language in a 1996 federal law limiting habeas corpus petitions, on the judicial system's interest in finality and on state sovereignty.

In dissent, Justice Sonia Sotomayor wrote that the majority “all but overrules two recent precedents that recognized a critical exception to the general rule that federal courts may not consider claims on habeas review that were not raised in state court.”

She added: “Two men whose trial attorneys did not provide even the bare minimum level of representation required by the Constitution may be executed because forces outside of their control prevented them from vindicating their constitutional right to counsel.”

One of the men, David Ramirez, fatally stabbed his girlfriend, Mary Ann Gortarez, and her 15-year-old daughter, Candie. Mr. Ramirez was convicted and sentenced to death in state court. In later proceedings in federal court, his lawyers argued that his trial lawyer had failed to investigate or present evidence about his intellectual and developmental disabilities that might have prompted the jury to show leniency.

The other inmate, Barry Lee Jones, was convicted of causing the death of his girlfriend's 4-year-old daughter, Rachel Gray. Justice Sotomayor wrote that “Jones's trial counsel failed to undertake even a cursory investigation and, as a result, did not uncover readily available medical evidence that could have shown that Rachel sustained her injuries when she was not in Jones's care.”

In a pair of decisions about a decade ago — *Martinez v. Ryan* in 2012 and *Trevino v. Thaler* in 2013 — the Supreme Court allowed some federal challenges to state convictions to proceed where lawyers in the state courts had been ineffective at trial and in post-conviction challenges.

On Monday, Justice Thomas wrote that those decisions did not contemplate elaborate hearings in federal court to consider new evidence.

“The sprawling evidentiary hearing in Jones is particularly poignant,” he wrote by way of example. “Ostensibly to assess cause and prejudice under *Martinez*, the district court ordered a seven-day hearing that included testimony from no fewer than 10 witnesses, including defense trial counsel, defense post-conviction counsel, the lead investigating detective, three forensic pathologists, an emergency medicine and trauma specialist, a biomechanics and functional human anatomy expert, and a crime scene and bloodstain pattern analyst.”

“This wholesale re-litigation of Jones's guilt,” Justice Thomas added, “is plainly not what *Martinez* envisioned.”

Justice Sotomayor responded that the hearing was required because Mr. Jones's lawyers had been inadequate. “Far from constituting an inappropriate and ‘wholesale re-litigation of Jones's guilt,’” she wrote, “the district court's hearing was wide-ranging precisely because the breakdown of the adversarial system in Jones's case was so egregious.”

The Supreme Court's decision, Justice Sotomayor added, “will leave many people who were convicted in violation of the Sixth Amendment to face incarceration or even execution without any meaningful chance to vindicate their right to counsel.”

Chief Justice John G. Roberts Jr. and Justices Samuel A. Alito Jr., Neil M. Gorsuch, Brett M. Kavanaugh and Amy Coney Barrett joined Justice Thomas's majority opinion. Justices Stephen G. Breyer and Elena Kagan joined Justice Sotomayor's dissent.

Robert M. Loeb, who represented Mr. Ramirez and Mr. Jones in the Supreme Court, expressed disappointment in the decision.

“The court's ruling leaves the fundamental constitutional right to trial counsel with no effective mechanism for enforcement in these circumstances,” he said in a statement. “The decision misreads the federal statute, produces untenable results never envisioned by Congress and amounts to an assault on basic fairness in the criminal justice system.”

Mark Brnovich, Arizona's attorney general, welcomed the ruling in the case, *Shinn v. Ramirez*, No. 20-1009.

“The wheels of justice take time to turn, but they should not be stuck for decades,” he said in a statement. “I applaud the Supreme Court’s decision because it will help refocus society on achieving justice for victims, instead of on endless delays that allow convicted killers to dodge accountability for their heinous crimes.”

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