

## U.S. Sup. Ct. Restrictively Interprets Federal Habeas For State Convictions

The U.S. Supreme Court sent a clear message in its December 2006 decision in *Carey v. Musladin*, 127 S. Ct. 649, that federal courts were to strictly interpret the requirement in the Antiterrorism and Effective Death Penalty Act of 1996, that habeas relief was only to be granted to a state prisoner's claim if the state court's adjudication:

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U. S. C. §2254(d)(1).

The following are excerpts from the Court's decision.

*Carey v. Musladin*,  
127 S.Ct. 649 (U.S. 12/11/2006)

[1] SUPREME COURT OF  
THE UNITED STATES

[3] 127 S.Ct. 649,  
2006.SCT.0000193  
< <http://www.versuslaw.com>>

[4] December 11, 2006

[15] Thomas, J., delivered the  
opinion of the Court ...

[16] On Writ Of Certiorari To  
The United States Court Of Ap-  
peals For The Ninth Circuit  
Court: 427 F. 3d 653

[19] This Court has recognized  
that certain courtroom practices  
are so inherently prejudicial that  
they deprive the defendant of a  
fair trial. *Estelle v. Williams*,  
425 U. S. 501, 503-506 (1976);  
*Holbrook v. Flynn*, 475 U. S.  
560, 568 (1986). ...

[21] On May 13, 1994, respon-  
dent Mathew Musladin shot and  
killed Tom Studer outside the  
home of Musladin's estranged  
wife, Pamela. At trial, Musladin  
admitted that he killed Studer but  
argued that he did so in self-de-  
fense. A California jury rejected  
Musladin's self-defense argument  
and convicted him of first-degree  
murder and three related offenses.

[22] During Musladin's trial, sev-  
eral members of Studer's family  
sat in the front row of the specta-  
tors' gallery. On at least some of  
the trial's 14 days, some members  
of Studer's family wore buttons  
with a photo of Studer on them.  
Prior to opening statements,  
Musladin's counsel moved the  
court to order the Studer family  
not to wear the buttons during the

trial. The court denied the motion,  
stating that it saw "no possible  
prejudice to the defendant." ...

[23] Musladin appealed his con-  
viction to the California Court of  
Appeal in 1997. He argued that the  
buttons deprived him of his Four-  
teenth Amendment and Sixth  
Amendment rights. At the outset  
of its analysis, the Court of Appeal  
stated that Musladin had to show  
actual or inherent prejudice to suc-  
ceed on his claim and cited *Flynn*,  
supra, at 570, as providing the test  
for inherent prejudice. ... the court  
concluded, again quoting *Flynn*,  
supra, at 571, that the buttons had  
not "branded defendant 'with an  
unmistakable mark of guilt' in the  
eyes of the jurors" because "[t]he  
simple photograph of Tom Studer  
was unlikely to have been taken as  
a sign of anything other than the  
normal grief occasioned by the  
loss of [a] family member." ...

[24] At the conclusion of the state  
appellate process, Musladin filed  
an application for writ of habeas  
corpus in federal district court  
pursuant to §2254. In his applica-  
tion, Musladin argued that the but-  
tons were inherently prejudicial  
and that the California Court of  
Appeal erred by holding that the  
Studers' wearing of the buttons  
did not deprive him of a fair trial.  
The District Court denied habeas  
relief but granted a certificate of  
appealability on the buttons issue.

[25] The Court of Appeals for the  
Ninth Circuit reversed and re-  
manded for issuance of the writ,  
finding that under §2254 the state  
court's decision "was contrary to,  
or involved an unreasonable appli-  
cation of, clearly established Fed-  
eral law, as determined by the

Supreme Court of the United  
States." §2254(d)(1). According to  
the Court of Appeals, this Court's  
decisions in *Williams* and *Flynn*  
clearly established a rule of federal  
law applicable to Musladin's case.  
... We granted certiorari, 547 U. S.  
\_\_\_ (2006), and now vacate.

[27] Under the Antiterrorism  
and Effective Death Penalty Act  
of 1996, 110 Stat. 1219:

[28] "(d) An application for a  
writ of habeas corpus on behalf  
of a person in custody pursuant  
to the judgment of a State court  
shall not be granted with respect  
to any claim that was adjudicat-  
ed on the merits in State court  
proceedings unless the adjudica-  
tion of the claim —

[29] "(1) resulted in a decision  
that was contrary to, or involved  
an unreasonable application of,  
clearly established Federal law,  
as determined by the Supreme  
Court of the United States." 28  
U. S. C. §2254(d)(1).

[30] In *Williams v. Taylor*, 529  
U. S. 362 (2000), we explained  
that "clearly established Federal  
law" in §2254(d)(1) "refers to  
the holdings, as opposed to the  
dicta, of this Court's decisions  
as of the time of the relevant  
state-court decision." *Id.*, at 412.  
Therefore, federal habeas relief  
may be granted here if the Cali-  
fornia Court of Appeal's decision  
was contrary to or involved  
an unreasonable application of  
this Court's applicable holdings.

[32] In *Estelle v. Williams* and  
*Flynn*, this Court addressed the  
effect of courtroom practices on  
defendants' fair-trial rights. In  
*Williams*, the Court considered  
"whether an accused who is com-  
pelled to wear identifiable prison  
clothing at his trial by a jury is  
denied due process or equal pro-  
tection of the laws." 425 U. S.,  
at 502. The Court stated that "the  
State cannot, consistently with the  
Fourteenth Amendment, compel  
an accused to stand trial before a  
jury while dressed in identifiable  
prison clothes," *id.*, at 512, but  
held that the defendant in that case  
had waived any objection to being  
tried in prison clothes by failing to  
object at trial, *id.*, at 512-513.

[33] In *Flynn*, the Court ad-  
dressed whether seating "four  
uniformed state troopers" in the  
row of spectators' seats immedi-  
ately behind the defendant at trial  
denied the defendant his right to  
a fair trial. 475 U. S., at 562. The  
Court held that the presence of  
the troopers was not so inherently  
prejudicial that it denied the de-  
fendant a fair trial. *Id.*, at 571. ...

[34] Both *Williams* and *Flynn*  
dealt with government-sponsored  
practices: In *Williams*, the State  
compelled the defendant to stand  
trial in prison clothes, and in *Flynn*,  
the State seated the troopers  
immediately behind the defendant.  
Moreover, in both cases, this Court  
noted that some practices are so  
inherently prejudicial that they  
must be justified by an "essential  
state" policy or interest. ...

[36] In contrast to state-sponsored  
courtroom practices, the effect on  
a defendant's fair-trial rights of  
the spectator conduct to which  
Musladin objects is an open ques-  
tion in our jurisprudence. This  
Court has never addressed a claim  
that such private-actor courtroom  
conduct was so inherently preju-  
dicial that it deprived a defendant  
of a fair trial. ...

[38] Given the lack of holdings  
from this Court regarding the po-  
tentially prejudicial effect of spec-  
tators' courtroom conduct of the  
kind involved here, it cannot be  
said that the state court  
"unreasonabl[y] appli[ed] clearly  
established Federal law." §2254(d)(1). No holding of this  
Court required the California Court  
of Appeal to apply the test of *Wil-  
liams* and *Flynn* to the spectators'  
conduct here. Therefore, the state  
court's decision was not contrary  
to or an unreasonable application  
of clearly established federal law.

[40] The Court of Appeals impro-  
perly concluded that the California  
Court of Appeal's decision was  
contrary to or an unreasonable ap-  
plication of clearly established  
federal law as determined by this  
Court. For these reasons, the judg-  
ment of the Court of Appeals is  
vacated, and the case is remanded  
for further proceedings consistent  
with this opinion.