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 Appeals 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, respondent 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-defense. 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, several members of Studer's family sat in the front row of the spectators' 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 conviction to the California Court of Appeal in 1997. He argued that the buttons deprived him of his Fourteenth 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 succeed 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 application, Musladin argued that the buttons 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 remanded for issuance of the writ, finding that under §2254 the state court's decision "was contrary to, or involved an unreasonable application of, clearly established Federal 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 adjudicated on the merits in State court proceedings unless the adjudication 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 California 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 compelled to wear identifiable prison clothing at his trial by a jury is denied due process or equal protection 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 addressed whether seating "four uniformed state troopers" in the row of spectators' seats immediately 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 defendant 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 question in our jurisprudence. This Court has never addressed a claim that such private-actor courtroom conduct was so inherently prejudicial that it deprived a defendant of a fair trial. …

[38] Given the lack of holdings from this Court regarding the potentially prejudicial effect of spectators' 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 *Williams* 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 improperly concluded that the California Court of Appeal's decision was contrary to or an unreasonable application of clearly established federal law as determined by this Court. For these reasons, the judgment of the Court of Appeals is vacated, and the case is remanded for further proceedings consistent with this opinion.