

# Criminal Law and Practice Concepts of Habeas Litigation: Proving Common Claims

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## Ineffective Assistance of Counsel at Trial

- Useful cases: *Strickland v. Washington*, 466 U.S. 668 (1984)
- Legal standard:
  - Counsel's performance was deficient
  - Counsel's actions prejudiced the client

## Ineffective Assistance of Counsel on Appeal

- Relevant cases: *Evitts v. Lucey*, 469 U.S. 387 (1985); *Anders v. California*, 386 U.S. 738 (1967)
- Legal standard:
  - Counsel's performance was deficient
  - Counsel's actions prejudiced the client

## Withholding Favorable Evidence

- Useful cases: *Kyles v. Whitley*, 514 U.S. 419 (1995); *Brady v. Maryland*, 373 U.S. 83 (1963)
- Legal standard: Evidence was ...
  - Withheld
  - Favorable (Exculpatory or Impeaching)
  - Material

## Juror Discrimination

- Useful cases: *Flowers v. Mississippi*, 588 U.S. 284 (2019); *Batson v. Kentucky*, 476 U.S. 79 (1986)
- Legal standard:
  - The defense must make a prima facie case
  - The prosecutor must provide a neutral explanation
  - The court must determine whether the explanation is pretextual