

12-414 BURT V. TITLOW

DECISION BELOW: 680 F.3d 577

LOWER COURT CASE NUMBER: 10-2488

QUESTION PRESENTED:

This case presents three questions involving AEDPA (the Antiterrorism and Effective Death Penalty Act of 1996), and *Lafler v. Cooper*, 132 S. Ct. 1376 (2012), this Court's recent decision expanding ineffective-assistance-of-counsel claims to include rejected plea offers:

1. Whether the Sixth Circuit failed to give appropriate deference to a Michigan state court under AEDPA in holding that defense counsel was constitutionally ineffective for allowing Respondent to maintain his claim of innocence.
2. Whether a convicted defendant's subjective testimony that he would have accepted a plea but for ineffective assistance, is, standing alone, sufficient to demonstrate a reasonable probability that defendant would have accepted the plea.
3. Whether *Lafler* always requires a state trial court to resentence a defendant who shows a reasonable probability that he would have accepted a plea offer but for ineffective assistance, and to do so in such a way as to "remedy" the violation of the defendant's constitutional right.

CERT. GRANTED 2/25/2013