

**09-587 HARRINGTON V. RICHTER**

DECISION BELOW: 578 F.3d 944

LOWER COURT CASE NUMBER: 06-15614

QUESTION PRESENTED:

In granting *habeas corpus* relief to a state prisoner, did the Ninth Circuit deny the state court judgment the deference mandated by 28 U.S.C. section 2254 (d) and impermissibly enlarge the Sixth Amendment right to effective counsel by elevating the value of expert-opinion testimony in a manner that would virtually always require defense counsel to produce such testimony rather than allowing him to rely instead on cross-examination or other methods designed to create reasonable doubt about the defendant's guilt?

IN ADDITION TO THE QUESTION PRESENTED, THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTIONS: DOES AEDPA DEFERENCE APPLY TO A STATE COURT'S SUMMARY DISPOSITION OF A CLAIM, INCLUDING A CLAIM UNDER *Strickland v. Washington*, 466 U.S. 668 (1984)?

JUSTICE KAGAN TOOK NO PART  
CERT. GRANTED 2/22/2010