

ORIGINAL

No. 19-7954

FILED
JAN 22 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

STEVEN M. LEONHART — PETITIONER
(Your Name)

vs.

TIM SHOOP, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Steven M. Leonhart #675-205

(Your Name)

P.O. Box 5500

(Address)

Chillicothe, Ohio 45601

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Is defense counsel who makes a plea bargain that fails to give his client a substantial strategic benefit acting as competent and effective counsel as guaranteed by the United States Constitution?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Washington County
Prosecuting Attorney
Courthouse
205 Putnam St.
Marietta, Ohio 45750

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	7

INDEX TO APPENDICES

APPENDIX A Judgment of the United States Court of Appeals

APPENDIX B Judgment of the United States District Court

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was October 30, 2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Article III

United States Constitution, Sixth Amendment

United States Constitution, Fourteenth Amendment

28 U.S.C. 1291

28 U.S.C. 2253

28 U.S.C. 2254

STATEMENT OF THE CASE

In 2012, petitioner pleaded guilty to aggravated murder, aggravated burglary, and felonious assault. The trial court sentenced petitioner to an aggregate term of life imprisonment without the possibility of parole for fifty-two years. The Ohio Court of Appeals affirmed, and the Ohio Supreme Court declined petitioner's appeal for review.

In September 2016, petitioner filed a Section 2254 habeas petition claiming that he received ineffective assistance of counsel during plea negotiations. Specifically, petitioner claimed that his attorney misinformed him that the trial judge intended to impose a life sentence in which he would be eligible for parole after no more than thirty-five years. Further more, petitioner claimed that had he known the judge was going to impose the functional equivalent of a term of life imprisonment without parole, he would not have pleaded guilty, and instead, would have proceeded to trial. The Ohio Court of Appeals rejected this claim in petitioner's direct appeal, finding that there was no reasonable probability that the outcome of the proceedings would have been different absent counsel's allegedly erroneous advice because, during the change-of-plea colloquy, the trial judge correctly advised petitioner, and he understood, that he would not be eligible for parole for fifty-two years. Subsequently, the district court concluded: (1) that the state court's decision was not contrary to, or an unreasonable application of, *Strickland v. Washington*, 466 U.S. 668 (1984); and (2) the state court's

decision was not based on an unreasonable determination of the facts. The district court denied petitioner's petition and declined to issue a certificate of appealability. Petitioner filed a motion to the Sixth Circuit Court of Appeals for a certificate of appealability and the Court of Appeals denied his motion.

REASONS FOR GRANTING THE PETITION

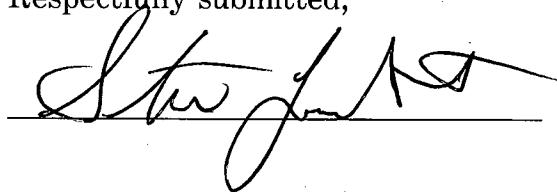
The Court should grant this petition so a determination can be made as to what constitutes effective and ineffective assistance of counsel when representing a criminal defendant in plea negotiations where counsel is supposed to be negotiating a pléa deal that gives his client a substantial strategic benefit.

Why would defense counsel make a plea bargain that failed to give his client a substantial strategic benefit? Why would defense counsel make a plea deal that failed to lower the degree of felony that's on the original indictment if the sentence is left completely up to the judge? In this situation what is the defendant getting in return for the plea? Why not go to trial?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Steven L. M. Johnson

Date: January 18, 2020