

16-327 LEE V. UNITED STATES

DECISION BELOW: 825 F3d 311

LOWER COURT CASE NUMBER: 14-5369

QUESTION PRESENTED:

To establish prejudice under *Strickland v. Washington*, 466 U.S. 668 (1984), a defendant who has pleaded guilty based on deficient advice from his attorney must show "a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). In the context of a noncitizen defendant with longtime legal resident status and extended familial and business ties to the United States, the question that has deeply divided the circuits is whether it is always irrational for a defendant to reject a plea offer notwithstanding strong evidence of guilt when the plea would result in mandatory and permanent deportation.

CERT. GRANTED 12/14/2016