

No. 25-_____

In The
Supreme Court of the United States

—◆—
RONALD GEDDIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

—◆—
On Petition for a Writ of Certiorari
To the United States Court of Appeals
For the Eleventh Circuit

—◆—
PETITION FOR A WRIT OF CERTIORARI
—◆—

Katherine Earle Yanes*

* *Counsel of Record*

James E. Felman

KYNES, MARKMAN & FELMAN, P.A.

100 S. Ashley Drive, Suite 1450

Tampa, Florida 33602

(813) 229-1118

kyanes@kmf-law.com

jfelman@kmf-law.com

Counsel for Petitioner Ronald Geddis

QUESTIONS PRESENTED

1. Whether the Court of Appeals erred in denying the Petitioner a certificate of appealability, where reasonable jurists could debate the district court's conclusion that defense counsel did not provide ineffective assistance at sentencing by (a) failing to investigate available evidence impeaching the government's sole sentencing witness, (b) failing to object to factual allegations in the Presentence Investigation Report that impacted the district court's sentencing decision, and (c) failing to introduce available evidence to rebut those allegations at sentencing.

2. Whether the district court erred in denying, without an evidentiary hearing, a claim under 28 U.S.C. Section 2255 of ineffective assistance of counsel at sentencing where: (a) defense counsel acknowledged at the sentencing hearing that they had not investigated whether the Petitioner's daughter's allegations of childhood sexual abuse were true because they believed it was "not [their] job" to do so; (b) defense counsel failed to timely object to those allegations in the Presentence Investigation Report, and (c) the Petitioner submitted sworn allegations establishing that counsel possessed, but failed to use, substantial impeachment evidence regarding the allegations.

PARTIES TO THE PROCEEDING

Petitioner Ronald Geddis was the defendant and movant in the district court and the appellant in the court of appeals. Respondent United States of America was the plaintiff and respondent in the district court and the appellee in the court of appeals.

RULE 29.6 STATEMENT

The Petitioner is not a corporate entity.

RELATED PROCEEDINGS

United States District Court for the Middle District of Florida:

United States v. Ronald Geddis, Case No. 8:19-cr-56-MSS-AEP

United States v. Ronald Geddis, Case No. 8:22-cv-1407-MSS-AEP

United States Court of Appeals for the Eleventh Circuit:

United States v. Ronald Geddis, Case No. 21-11354

Ronald Geddis v. United States, Case No. 25-11721

There are no other proceedings in state or federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Ronald Geddis respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in this case.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Eleventh Circuit is unpublished and is Appendix A. The opinion of the United States District Court for the Middle District of Florida is unpublished and is Appendix B.

STATEMENT OF JURISDICTION

The Eleventh Circuit Court of Appeals entered judgment on January 8, 2026. App. 1a. Geddis filed a timely application for extension of time to file a petition for a writ of certiorari, which was granted, and his deadline to file a petition for a writ of certiorari was extended to May 8, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Sixth Amendment to the United States Constitution provides in relevant part that “[i]n all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense.”

In pertinent part, 28 U.S.C. Section 2255 provides that a federal prisoner “claiming the right to be released upon the ground that the sentence was

imposed in violation of the Constitution or laws of the United States . . . may move the court which imposed the sentence to vacate, set aside or correct the sentence.” Section 2255(b) further provides that “[u]nless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto.”

Pursuant to 28 U.S.C. Section 2253(c)(1), an appeal of a final order under 28 U.S.C. Section 2255 may be taken only if “a circuit justice or judge issues a certificate of appealability.” Section 2253(c)(2) provides that “[a] certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.”

INTRODUCTION

Ronald Geddis is serving a 270-month (22½-year) federal prison sentence following a sentencing proceeding in which his counsel failed to investigate or challenge the testimony of the government’s sole sentencing witness – Geddis’s adult daughter – even though they had been provided substantial evidence bearing on her credibility. Defense counsel’s failure was not the product of an informed tactical decision. Counsel represented at sentencing that they had not investigated Geddis’s daughter’s allegations and believed such investigation was “not [their] job.” Geddis’s claim that this failure constituted ineffective

assistance of counsel under the Sixth Amendment has never been heard on the merits. His motion under 28 U.S.C. Section 2255 (“2255 Motion”) was denied without an evidentiary hearing, and the Eleventh Circuit denied a certificate of appealability with no analysis of the specific claims presented.

The errors in this case are not technical. Defense counsel’s own words at sentencing described a failure to investigate what was, in a child pornography case, the most damaging allegation Geddis faced: that he had sexually abused his daughter for years. That allegation shaped the district court’s sentencing decision. Yet when Geddis sought postconviction relief, the courts resolved his claims against him without a hearing on the dispositive question of whether counsel’s conduct reflected reasoned strategy or a constitutionally inadequate failure to act. As a result, Geddis is left with no legal remedy for what his own appellate counsel described as unreasonable conduct. This Court should grant certiorari to correct that outcome and provide guidance on the scope of deference under *Strickland v. Washington*, 466 U.S. 668 (1984), when counsel expressly disclaims any duty to investigate.

STATEMENT OF THE CASE

A. The criminal proceedings

In January 2019, Geddis was charged by criminal complaint in the United States District Court for the Middle District of Florida. Cr.-Doc. 1.¹

¹ The Appendix will be cited as “App. __.” Entries on the criminal case docket will be cited as “Cr.-Doc. __.” Entries on the

Attorneys Bruce Connolly and Thomas A. Kenniff appeared on Geddis's behalf. Cr.-Doc. 11, 13. Geddis was detained. Cr.-Doc. 8, 21.

Geddis was subsequently charged in a three-count indictment with Attempted Production of Child Pornography and Production of Child Pornography, both in violation of 18 U.S.C. Section 2251(a) and (e), and Possession of Child Pornography, in violation of 18 U.S.C. Section 2252(a)(4)(B) and (b)(2). App. 3a.

In October 2019, Geddis pled guilty without a plea agreement to all three counts in the Indictment. App. 4a.

The Presentence Investigation Report ("PSR") proposed a five-level sentencing enhancement under U.S.S.G. Section 4B1.5(b)(1), the "Repeat and Dangerous Sex Offender Against Minors" enhancement. PSR ¶ 58. The enhancement was based in part on the allegation that Petitioner had sexually abused his adult daughter, referred to here as "L.W.," when she was in the fourth through sixth grades. *Id.*

Defense counsel were on notice of L.W.'s allegations from the outset of this case. At the preliminary hearing, the government's agent testified about a controlled call with L.W. in which she alleged childhood sexual abuse by Geddis. Cr.-Doc 41 at 10. As noted, these allegations were also included as Paragraph 58 of the PSR. PSR ¶ 58.

civil docket of the proceedings on Geddis's 2255 Motion will be cited as "Doc. __."

Defense counsel did not object to Paragraph 58 of the PSR in advance of sentencing. Cr.-Doc. 150 at 31. Further, defense counsel's sentencing memorandum did not address L.W.'s allegations at all. Indeed, it affirmatively asserted that despite Geddis's extensive contact with children, there had never been any allegations of sexual misconduct against him. Cr.-Doc. (Sealed Sentencing Mem. of Ronald Geddis) at 8.

The sentencing hearing took place in April 2021, during the COVID-19 pandemic, and was held via video conference, with Geddis at a different location than his counsel. Cr.-Doc. 150 at 11-12. Defense counsel again stated at the sentencing hearing that the defense had no objections to the factual accuracy of the PSR. *Id.* at 13. L.W. then testified as the government's sole sentencing witness, repeating the allegations in the PSR and adding new allegations that were not set forth in the PSR. *Id.* at 17-18.

After L.W. testified, the district court invited defense counsel to present "any evidence or argument" the defense wished the court to consider. Cr.-Doc. 150 at 19. Defense counsel objected only to the allegations L.W. testified to that were not included in the PSR, and the district court stated it would disregard those new allegations. *Id.* at 22-23. As to L.W.'s allegations of childhood sex abuse by her father, defense counsel stated they had advised their client that challenging those allegations was "just not worth it" and that it was "not [their] job to be finders of fact as defense attorneys." *Id.* at 26, 30.

When the district court expressly asked defense counsel, “Is the defense challenging the five-level enhancement in paragraph 58, yes or no?,” however, defense counsel abandoned the stated strategy and stated for the first time that the defense objected to the enhancement. Cr.-Doc. 150 at 30-31. The government responded by pointing to L.W.’s uncontested testimony and noting that no contrary evidence had been introduced. *Id.* The district court confirmed with probation that no prior objection had been made to Paragraph 58, then overruled the tardy objection. *Id.* at 31.

Defense counsel had available to them substantial evidence bearing on L.W.’s credibility that they failed to investigate or present. Petitioner’s sworn allegations in his 2255 Motion established that defense counsel were provided with the following:

- documentation of a New York civil lawsuit L.W. brought against Geddis that L.W. voluntarily dismissed after the court informed her she would be required to present supporting evidence;
- information about L.W.’s pattern of false allegations of sexual misconduct against others, including her brother’s best friend, her college roommate, her college professor, her next-door neighbor, and her brother-in-law, any of whom could have been contacted by defense counsel;
- information about L.W.’s history of mental illness and her family’s longstanding concerns about her credibility;

- evidence that L.W.’s allegations against Petitioner arose only after she became estranged from her parents and was removed from their will and family trust; and
- contact information for family members who were available to testify at sentencing about L.W.’s credibility.

Doc. 8 at 18-19; Doc. 19 at 5, 7-9. None of this evidence was presented at sentencing.

The district court varied from the advisory Guidelines range of 960 months in prison and imposed concurrent sentences of 270 months on Counts One and Two and 180 months on Count Three, followed by 10 years of supervised release. App. 12a; Cr-Doc. 150 at 64.

On direct appeal, appointed counsel filed an *Anders* brief that specifically noted that “defense counsel’s failure to object to the five-level enhancement for ‘pattern of activity’ in PSR ¶ 58 . . . was unreasonable and not in Mr. Geddis’s best interest,” while acknowledging that the record was insufficiently developed to raise an ineffective assistance of counsel claim on direct appeal. Doc. 15-1 at 53-54. Geddis’s conviction and sentence were affirmed. App. 4a.

B. The 2255 proceedings

Proceeding pro se, Geddis filed an Amended 2255 Motion raising three grounds. App. 4a. Relevant here is Ground Three, which alleged

Geddis's counsel provided ineffective assistance of counsel by failing to challenge the testimony the government introduced in support of the proposed five-level enhancement at his sentencing. *Id.* Geddis supported his petition with a detailed memorandum, Doc. 8, and submitted an affidavit, Doc. 19, laying out the specific evidence available to counsel and not used.

The government's response included an affidavit from defense counsel Connolly, which asserted that defense counsel informed Geddis they could investigate his daughter's allegations, but Geddis declined to do so, and that the decision not to challenge L.W.'s allegations was a strategic one made in consultation with Geddis, designed to promote his acceptance of responsibility and obtain a downward variance. Doc. 15, Ex. 2 at 7-8. This account directly contradicted counsel's own statements at the sentencing hearing – particularly his representation that it was “not [defense counsel's] job to be finders of fact” – and was further contradicted by Geddis's own sworn allegations that he had urged counsel to challenge L.W.'s testimony and had provided them with extensive information to do so. *Compare* Doc. 15, Ex. 2 at 7-8 *with* Doc. 8 at 18-20; Doc. 19 at 7-10.

The district court denied all three grounds of Geddis's Amended 2255 Motion without an evidentiary hearing. As to Ground Three, the court stated that counsel's decision “aligned with Geddis's goal of accepting responsibility and asking for a reduced sentence based on acceptance and remorse,” and that this “strategy was reasonable because objecting to Geddis's daughter's testimony would not

have changed Geddis's guidelines calculation." App. 21a. It further stated that because the five-level enhancement did not affect Geddis's advisory Guidelines range, Geddis had not established prejudice. App. 21a-22a. It therefore denied Ground Three of Geddis's 2255 Motion. App. 22a. The district court also denied Petitioner a certificate of appealability ("COA"). App. 22a.

C. The Eleventh Circuit's Denial of a COA

Geddis moved for a COA in the Eleventh Circuit. In the COA motion, Geddis argued that reasonable jurists could find the district court's denial of Ground Three debatable or wrong on at least three independent grounds: (1) counsel's decision not to investigate L.W.'s allegations was not a reasonable strategic choice because it was preceded by no investigation; (2) the premise that counsel's inaction was a deliberate strategy was undermined by counsel's own conduct at sentencing, including the last-minute objection; and (3) even if the five-level enhancement would not have changed the guidelines calculation, it had direct and significant bearing on the district court's exercise of its discretion in fashioning the sentence, because the evidence introduced in support of the enhancement determined whether the district court believed Geddis had abused his young daughter for years.

In a two-sentence order signed by a single circuit judge, the Eleventh Circuit Court of Appeals denied the COA, stating that Petitioner "has not made a substantial showing of the denial of his constitutional rights," and citing 28 U.S.C. §

2253(c)(2) and *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). App. 1a. The order contained no analysis of the claims raised and no discussion of any of the arguments presented in Petitioner's COA motion. *Id.*

REASONS FOR GRANTING THE WRIT

Defense counsel's failure to impeach the critical government witness with available evidence at sentencing was not strategic, but uninformed. The decision was made without investigation even though Geddis requested that his counsel investigate his daughter's allegations and provided them with impeachment evidence, and it resulted in testimony that Geddis sexually abused his young daughter going un rebutted at sentencing. Yet Geddis's ineffective assistance of counsel claim has never been heard on the merits. Geddis's 2255 Motion was denied without an evidentiary hearing, and he was deprived of the opportunity to bring an appeal by the district court and the Eleventh Circuit's denial of a COA. He has thus been left with no legal remedy for this substantial violation of his constitutional rights.

This case warrants this Court's review for three reasons. First, the Eleventh Circuit's summary denial of a COA is inconsistent with the standard this Court articulated in *Slack v. McDaniel*, 529 U.S. 473 (2000), and reaffirmed in *Miller-El v. Cockrell*, 537 U.S. 322 (2003), and *Buck v. Davis*, 580 U.S. 100 (2017), and forecloses appellate review of a meritorious claim. Second, this case presents an important question about the scope of the deference required under *Strickland v. Washington*, 466 U.S. 668 (1984): whether courts may deem a sentencing

decision “strategic” when counsel explicitly disclaimed any duty to investigate. Third, the district court’s resolution of disputed factual questions on the face of the pleadings without a hearing directly conflicts with 18 U.S.C. Section 2255(b) and this Court’s decisions requiring a hearing when material facts are in genuine dispute.

I. The Eleventh Circuit’s summary denial of a COA conflicts with the standard established in *Slack v. McDaniel*, *Miller-El v. Cockrell*, and *Buck v. Davis*.

The denial of a COA in this case was inconsistent with the well-established COA standard. To obtain a COA, a petitioner need only show that “reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack*, 529 U.S. at 484 (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). The Court reiterated this standard in *Miller-El*, 537 U.S. at 336, and *Buck*, 580 U.S. at 115. This Court has emphasized that the COA threshold is not demanding. In *Miller-El*, this Court stated that the pertinent “question is the debatability of the underlying constitutional claim, not the resolution of that debate.” 537 U.S. at 342 (2003).

The Eleventh Circuit’s denial here, which cited *Slack* and Section 2253(c)(2) without engaging any of the specific arguments Geddis presented, cannot be reconciled with this standard. In *Miller-El*, this Court reversed the Eleventh Circuit’s denial of a COA, emphasizing that a court of appeals “should not

decline the application for a COA merely because it believes the applicant will not demonstrate an entitlement to relief.” 537 U.S. at 337. The Court explained further that “a claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case has received full consideration, that petitioner will not prevail.” *Id.* at 338. Accordingly, a petitioner must show only that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Id.* (quoting *Slack*, 529 U.S. at 484).

Here, Geddis’s claims are at least debatable among reasonable jurists. As detailed below, the district court’s conclusion that defense counsel made a reasonable “strategic” decision in consultation with Geddis is contradicted by counsel’s own statements at the sentencing hearing and is disputed by Petitioner’s sworn allegations. Defense counsel represented to the sentencing court that they had not investigated L.W.’s allegations and did not believe it was their job to do so. Under this Court’s *Strickland* jurisprudence, the deference afforded to strategic decisions is available only when counsel has conducted an adequate investigation. The Eleventh Circuit did not explain why reasonable jurists could not debate the district court’s conclusion.

Moreover, the denial of a COA here is inconsistent with the purpose of the COA requirement. This requirement is intended to ensure “differential treatment for those appeals deserving of attention from those that plainly do not.” *Miller-El*, 537 U.S. at 337. That is, the COA requirement is meant to act as a filter preventing frivolous appeals

from clogging the federal appellate courts. It is not meant to be a shield protecting convictions at all costs, no matter whether they were achieved at the expense of the protections the United States Constitution affords criminal defendants. Yet that is precisely what the COA requirement has done here.

For the constitutional rights afforded to defendants to have real meaning, there must be consistent and effective appellate review of cases such as this one in which there has been a substantial showing that the defendant's constitutional rights were violated. While the Court stated in *Miller-El* that "issuance of a COA must not be *pro forma* or a matter of course," 537 U.S. at 337, by the same token, the *denial* of a COA should not be allowed to become *pro forma* or a matter of course, or there will be cases like Geddis's in which significant deprivations of the defendant's constitutional rights will escape review. The Court should grant a writ of certiorari and hold that Geddis cannot be left without any legal remedy for the violation of his constitutional rights.

II. This case presents an important question: Whether *Strickland's* deference to strategic decisions applies when counsel explicitly disclaimed any duty to investigate the relevant facts.

This case also presents the important question of whether the deference afforded to strategic decisions under *Strickland* is available when counsel contemporaneously disclaimed any duty to investigate the relevant facts. *Strickland* established that "strategic choices made after thorough

investigation of law and facts relevant to plausible options are virtually unchallengeable,” but that “strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” 466 U.S. at 690-91. This Court’s subsequent decisions in *Williams v. Taylor*, 529 U.S. 362, 396 (2000), *Wiggins v. Smith*, 539 U.S. 510 (2003), and *Rompilla v. Beard*, 545 U.S. 374 (2005), establish that the deference *Strickland* affords “strategic” decisions is available only when those decisions follow an adequate investigation. Here, defense counsel expressly stated at sentencing that they had not investigated the allegations made by Geddis’s daughter and viewed themselves as having no responsibility to do so.

This Court held in *Williams* that trial counsel performed deficiently in the penalty phase of the defendant’s trial when they “did not fulfill their obligation to conduct a thorough investigation of the defendant’s background.” 529 U.S. at 396. Similarly, the Court observed in *Wiggins* that the issue before it was whether counsel conducted a reasonable investigation before deciding not to introduce mitigating evidence regarding the defendant’s background. 539 U.S. at 523. Because defense counsel had “abandoned their investigation of petitioner’s background after having acquired only rudimentary knowledge of his history from a narrow set of sources,” when “any reasonably competent attorney would have realized that pursuing these leads was necessary to making an informed choice among possible defenses,” the Court held they had performed deficiently. *Id.* at 524-25. In *Rompilla*, the

Court found that defense counsel acted unreasonably by failing to review “readily available” materials regarding an alleged prior offense by the defendant even though they were on notice that prosecutors would rely on evidence of the prior crime at the sentencing phase of the defendant’s trial. 545 U.S. at 383-90.

Geddis’s defense counsel did not merely conduct an incomplete investigation. In a case involving child pornography charges, there could hardly be a more damaging allegation at sentencing than that the defendant had sexually abused his young daughter for years. Yet defense counsel affirmatively represented to the sentencing court that they had not investigated L.W.’s allegations because they “didn’t see that there was value in it” and believed it was “not [their] job to be finders of fact as defense attorneys.” Cr.-Doc. 150 at 25-26. This is not the type of after-the-fact disagreement about counsel’s investigation that courts routinely encounter. Defense counsel themselves represented to the court that they had done nothing.

This case thus presents the question of whether the deference *Strickland* affords to strategic decisions applies when counsel explicitly disclaimed any duty to investigate on the record at the time of the challenged decision. While this Court’s cases establish that a decision made following an inadequate investigation does not receive the deference afforded to strategic decisions, the Court has not squarely resolved whether a decision can be deemed “strategic” at all when counsel, contemporaneously with that decision, expressly

disavows any investigative effort and any duty to investigate.

The answer should be no. A decision is not “strategic” for *Strickland* purposes if it reflects, not a judgment among options, but a failure to meaningfully consider options at all. Counsel who fail to investigate cannot make an informed strategic choice; they can only make an uninformed one. And uninformed choices do not merit *Strickland* deference. *See Rompilla*, 545 U.S. at 383-90; *Wiggins*, 539 U.S. at 521-34; *Williams*, 529 U.S. at 396. Accordingly, defense counsel having affirmatively stated, in open court at Geddis’s sentencing, that they had not investigated L.W.’s allegations and did not believe investigation to be their job, the framework for deference to strategic decisions does not apply.

The stakes of this question are high. The evidence defense counsel left unresponded-to resulted in the district court’s determination that Geddis had sexually abused his daughter for years. That finding shaped the district court’s sentencing decision, prejudicing Geddis. *See Glover v. United States*, 531 U.S. 198, 203 (2001) (“any amount of [additional] jail time has Sixth Amendment significance.”). Counsel’s failure to investigate and present available impeachment evidence meant that the district court heard only one side regarding what the district court itself identified as the “real consideration” at the sentencing hearing. Cr.-Doc. 150 at 28.

Yet the district court found that counsel had made a deliberate strategic choice, in consultation with Geddis, not to contest L.W.’s testimony in order

to demonstrate remorse and acceptance of responsibility. Doc. 39 at 20. The district court did not address whether such a decision could be reasonable when made with no investigation into the relevant facts. Nor did the district court address the inconsistency of this supposed decision with defense counsel's conduct at the sentencing hearing – when directly asked by the district court whether the defense was challenging the five-point enhancement, defense counsel pivoted and stated that the defense was challenging the enhancement, but introduced no evidence and made no coherent argument. Cr.-Doc. 150 at 30-31. If accepting responsibility were truly the goal, it is difficult to understand why counsel attempted to challenge the enhancement at all.

Further, the district court's conclusion that Geddis was not prejudiced by his counsel's failure to investigate L.W.'s allegations because the five-point enhancement did not affect Geddis's ultimate Guidelines range, App. 21a-22a, overlooks the manner in which Geddis's sentence was calculated. Geddis received a significant downward variance to a sentence well below the applicable Guidelines range, but the sentence imposed was well above the fifteen-year mandatory minimum sentence. It cannot be said on this record that counsel's failure to investigate and respond to L.W.'s allegations that her father had sexually abused her for years while she was a child made no difference in the outcome of this sentencing proceeding.

Accordingly, the Court should grant certiorari to address the question of whether *Strickland* deference applies when counsel have not only failed to

investigate, but even disclaimed any responsibility to do so – and should hold that it does not.

III. The district court’s denial of an evidentiary hearing conflicts with Section 2255(b) and this Court’s precedent.

A writ of certiorari should be granted for the additional reason that the district court denied Geddis’s 2255 Motion without an evidentiary hearing even though disputed factual issues exist here. Section 2255(b) requires the district court to “grant a prompt hearing” on a Section 2255 motion unless “the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief.” It has long been well-established that an evidentiary hearing is required when a material factual dispute exists that cannot be resolved from the record. *See, e.g., Jefferson v. Upton*, 560 U.S. 284, 290 (2010) (citing *Townsend v. Sain*, 372 U.S. 293, 312-13 (1963)); *see also, e.g., Martin v. United States*, 889 F.3d 827, 832 (6th Cir. 2018) (“The burden ‘for establishing an entitlement to an evidentiary hearing is relatively light,’ and ‘[w]here there is a factual dispute, the *habeas* court must hold an evidentiary hearing to determine the truth of the petitioner’s claims.”) (quoting *Turner v. United States*, 183 F.3d 474, 477 (6th Cir. 1999)); *United States v. Sellner*, 773 F.3d 927, 929 (8th Cir. 2014) (“Evidentiary hearings on 28 U.S.C. § 2255 motions are preferred, and the general rule is that a hearing is necessary prior to the motion’s disposition if a factual dispute exists.”) (quoting *Thomas v. United States*, 737 F.3d 1202, 1206 (8th Cir.2013)); *Reagor v. United States*, 488 F.2d 515, 517 (5th Cir. 1973) (“Contested fact issues

in § 2255 cases must be decided on the basis of evidentiary hearings.”)

This case presents precisely the kind of factual dispute that requires an evidentiary hearing. Geddis’s sworn allegations – which must be credited absent a hearing, *Villa v. United States*, 56 F.4th 417, 420 (6th Cir. 2023); *Sawyer v. United States*, 874 F.3d 276, 279 (7th Cir. 2017) – established that Geddis had urged his counsel to challenge L.W.’s testimony and provided them with substantial impeachment evidence they failed to use. The only other evidence before the district court on the question of whether counsel’s decision not to investigate L.W.’s allegations was informed and strategic was: (1) counsel’s statements at the sentencing hearing, where counsel represented that they had done no investigation because they believed investigation was not their job; and (2) counsel’s post-hoc affidavit, which offered a contrary explanation and was submitted in response to the 2255 Motion. These two accounts are directly inconsistent.

The district court resolved the critical factual dispute in this case – whether counsel’s decision was an informed, strategic one or the product of a failure to investigate – against Geddis without holding a hearing. That resolution was error. *See Jefferson*, 560 U.S. at 290; *Martin*, 889 F.3d at 832; *Sellner*, 773 F.3d at 929; *Reagor*, 488 F.2d at 517. When the record contains conflicting accounts of counsel’s decision-making, the district court cannot resolve that conflict without giving the petitioner an opportunity to prove his allegations. That should be particularly so when one of those accounts is counsel’s own

contemporaneous statement, and counsel's own words corroborate the petitioner's assertions.

Further, defense counsel's after-the-fact affidavit represented the type of "*post hoc* rationalization of counsel's conduct" the Court has cautioned against. *Wiggins*, 539 U.S. at 526-27. That concern is especially acute here, where counsel's contemporaneous statements, made before any Section 2255 motion had been filed, described a failure to investigate, while the post-hoc affidavit constructed a strategic rationale.

The district court's improper resolution of this factual issue without an evidentiary hearing violated Section 2255(b) and the cases interpreting it, and is an additional reason to grant certiorari here.

CONCLUSION

For the reasons set forth above, the Court should grant Petitioner Ronald Geddis's petition for a writ of certiorari.

Respectfully submitted,

Katherine Earle Yanes*
** Counsel of Record*

James E. Felman

KYNES, MARKMAN &

FELMAN, P.A.

100 South Ashley Drive

Suite 1450

Tampa, Florida 33602

(813) 229-1118

kyanes@kmf-law.com

jfelman@kmf-law.com

Counsel for Petitioner

Ronald Geddis

APPENDIX

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1a

**APPENDIX A — DENIAL OF CERTIFICATE OF
APPEALABILITY OF THE UNITED STATES
COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT, FILED JANUARY 8, 2026**

IN THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 25-11721

RONALD GEDDIS,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:22-cv-01407-MSS-AEP

ORDER:

Ronald Geddis moves this Court for a certificate of appealability (“COA”) to appeal from the district court’s order denying his 28 U.S.C. § 2255 motion. Geddis’s motion for a COA is DENIED because he has not made a substantial showing of the denial of his constitutional rights. 28 U.S.C. § 2253(e)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

/s/ Andrew L. Brasher
UNITED STATES CIRCUIT JUDGE

2a

**APPENDIX B — ORDER OF THE
UNITED STATES DISTRICT COURT, MIDDLE
DISTRICT OF FLORIDA, TAMPA DIVISION,
FILED APRIL 2, 2025**

UNITED STATES DISTRICT COURT MIDDLE
DISTRICT OF FLORIDA TAMPA DIVISION

Case No. 8:22-cv-1407-MSS-AEP
Crim. Case No. 8:19-cr-56-MSS-AEP

RONALD GEDDIS

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

Filed April 2, 2025

ORDER

Before the Court is Ronald Geddis's amended motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255 (Doc. 7). Geddis also filed a memorandum of law (Doc. 8), an affidavit (Doc. 19), and supplements to his motion (Docs. 22, 25, 27). The United States responded to the motion and memorandum. (Doc. 15). Geddis filed a reply. (Doc. 18). After reviewing these submissions and the record, the Court **DENIES** the motion.¹

1. The motion can be denied without the need for an evidentiary hearing, as no hearing is required when the record

*Appendix B***BACKGROUND AND PROCEDURAL HISTORY**

Geddis was charged with attempted production of child pornography and production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e) (Counts One and Two), and possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2) (Count Three). (Cr-Doc. 24.)² He moved to suppress evidence, arguing that United States Customs and Border Protection (“CBP”) agents had illegally seized his iPhone 7 (“iPhone”) during a border search and that a later inspection of the phone under a search warrant was, therefore, unlawful. (Cr-Doc. 54). The United States responded to the motion (Cr-Doc. 60), and the magistrate judge scheduled an evidentiary hearing (Cr-Doc. 64). At the hearing, Geddis’s counsel stated that Geddis wanted to withdraw the motion to suppress and plead guilty. (*See* Cr-Doc. 101 at 3–5). The magistrate judge asked Geddis if he understood there would be no ruling on the motion, if he had questions, and if he still wanted to withdraw the motion. (*Id.* at 4–5). Geddis confirmed that he understood the motion would not be ruled on, had no questions, and wanted to withdraw the motion. (*Id.*). Geddis’s counsel stated that Geddis had not yet decided whether to accept a plea agreement from the United States or plead to the indictment without a plea agreement, but he would decide before the next status conference. (*Id.* at 5).

establishes that a Section 2255 claim lacks merit. *See United States v. Lagrone*, 727 F.2d 1037, 1038 (11th Cir. 1984).

2. References to filings in Geddis’s criminal case, number 8:19-cr-56-MSS-AEP, are cited throughout this order as “Cr-Doc. [document number].”

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Ultimately, Geddis pleaded guilty to the charges without a plea agreement. (Cr-Cr-Docs. 11, 13, 24, 144). On April 14, 2021, this Court sentenced Geddis to a term of imprisonment of 270 months' imprisonment as to Counts One and Two and 180 months' imprisonment as to Count Three, to run concurrently. (Cr-Docs. 119, 120, 125, 150).

Geddis appealed. (Cr-Docs. 123, 132). His appointed counsel moved to withdraw from the case and filed a brief under *Anders v. California*, 386 U.S. 738 (1967). (Cr-Docs. 123, 132; Doc. 15, Ex. 1). After conducting an independent review of the record, the Eleventh Circuit found no arguable issues of merit and affirmed Geddis's conviction and sentence on December 29, 2021. (Cr-Doc. 155). Geddis was granted a 90-day extension to move for rehearing but never filed a motion, and he did not file a petition for certiorari in the Supreme Court.

On June 16, 2022, Geddis submitted an unsigned section 2255 motion to this Court. (*See* Doc. 1, 1-1). The motion was dismissed without prejudice to Geddis filing an amended motion. (Docs. 6, 7). Geddis raises three grounds for relief in his amended motion: (1) his iPhone was unlawfully searched without a warrant, and the evidence extracted from it triggered the search of his home; (2) his counsel was ineffective in failing to litigate the motion to suppress the evidence extracted from his iPhone (Ground Two); and his counsel was ineffective in failing to challenge testimony supporting a five-level enhancement of his United States Sentencing Guidelines ("USSG") range. (Docs. 7, 8). The United States argues that Ground One is waived and procedurally barred and Grounds Three and Four are meritless. (Doc. 15).

*Appendix B***STATEMENT OF FACTS**

Federal agents began investigating Geddis in 2017 after a mother in Tennessee discovered inappropriate chats between her minor daughter and Geddis. (Cr-Doc. 116, Pre-Sentence Investigation Report (“PSR”), ¶ 9; *see also* Cr-Doc. 60). During the investigation, three minor victims provided sworn statements detailing the sexual conversations they had with Geddis over the internet using an application on their cell phones known as Kik. (Cr-Doc. 60 at 1–2, 12). Each of them stated that Geddis asked them for pornographic images and videos. (*Id.* at 1–2, 13). From April to June 2018, an undercover agent assumed a victim’s identity and communicated with Geddis using the victim’s Kik account. (*Id.* at 2). During those conversations, Geddis discussed paying the victims for “nude” images. (*Id.* at 2–4).

In June 2018, CBP agents confronted Geddis at a New York port of entry and seized his iPhone for inspection (*Id.* at 4). The iPhone was transferred to Tampa, Florida, Homeland Security Investigations (“HIS”) agents for forensic analysis. (*Id.*).

In January 2019, HIS agents executed a search warrant at Geddis’s home. (PSR ¶ 11). They seized multiple electronic devices, including an iPhone 4S, an external Toshiba hard drive, and a Seagate Backup Plus for MAC Portable Drive. (*Id.*). The images and videos supporting the charges against Geddis were recovered from these devices. (*See* Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–31). In April 2019, a search warrant was executed on the iPhone. (Doc. 60 at 4).

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At Geddis’s plea hearing, the magistrate judge advised Geddis of the charges and the consequences of pleading guilty. (*See generally* Cr-Doc. 144). Geddis stated under oath he understood the charges, their elements, and their corresponding statutory minimum and maximum sentences. (*Id.* at 10–14, 16–25). Geddis also stated that he had discussed the sentencing guidelines with his attorneys and understood that they would be applied to his case, that his attorneys could not predict his sentencing guidelines range, and that this Court might impose a sentence above the guidelines range. (*Id.* at 19–21).

The magistrate judge cautioned Geddis that “it’s very important that [he] understand that by pleading guilty [he was] giving up very valuable constitutional rights[,]” including the right to a trial, the right to be represented by counsel at a trial; “the right to hear and see all the witnesses called by the government against [him] and the right to confront and cross-examine those witnesses in [his] defense”; “the right to challenge any evidence the government sought to use against [him]”; “the right to present a defense on [his] own behalf; that is, to call any witnesses [he] deem[ed] necessary or present any evidence [he] thought important”; to compel witness testimony; and to testify in his defense. (*Id.* at 21–23). Geddis stated that he understood the rights he would give up and had no questions. (*Id.* at 23). The magistrate judge then warned Geddis, “Let me also explain that if you have any objections as to how the charges were brought against you or as to how the evidence was gathered in your case, you are waiving any objections to those matters by entering a plea of guilt [sic]. Do you understand that?” (*Id.* at 23).

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Geddis stated that he understood and had no questions. (*Id.*).

Geddis also advised the magistrate judge he had discussed the plea agreement offered by the United States with his attorneys, that they had answered all of his questions, and that he understood he was pleading guilty without a plea agreement. (*Id.* at 10). Geddis stated that he was “fully satisfied with the advice and representation [he had] received[,]” that his attorneys had “done for him everything that [he had] asked them to do[,]” and no one had threatened him, forced him, or promised him anything to get him to plead guilty. (*Id.* at 10–11).

The magistrate judge had the United States go over the factual basis in support of each of the elements of the charges, and Geddis agreed to those facts by entering his plea. Geddis admitted that in October 2011, he had tried to produce child pornography using his iPhone. (Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–27, 31). From October 2014 through January 2019, Geddis produced child pornography on his iPhone using his 18-month-old grandson. (Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–27, 31). And from an unknown date through January 2019, Geddis possessed child pornography depicting a prepubescent child. (Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–27, 31). Geddis further admitted that the devices seized from his home contained at least 400 images of child pornography and at least six videos of child pornography. (Cr-Doc. 144 at 27, 31). At least 40 of the images and videos depicted prepubescent children. (*Id.*).

Geddis admitted that the videos supporting Count One had been recovered from the Toshiba hard drive

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seized while searching his home. (*Id.* at 27). The videos showed him positioning a recording device in a bathroom and obtaining images of a victim under 12 years old. (*Id.* at 27–28, 31). After Geddis positioned the device, the victim entered the bathroom wearing a bathing suit and undressed in front of the camera. (*Id.* at 28, 31). The videos depicted her buttocks and vagina. (*Id.* at 28, 31). In one of the videos, after the victim removed her bathing suit, she bent over with her buttocks facing the camera. (*Id.*). After the victim left the bathroom, Geddis returned and turned the camera off. (*Id.*).

Geddis also admitted that three videos supporting Count Two had been recovered from the iPhone 4s seized while searching his home. (*Id.* at 29, 31). The three videos, recorded in October and November 2014, depicted Geddis masturbating his toddler grandson while changing the toddler's diaper. (*Id.*; see also PSR ¶¶ 18–19, 58; Cr-Doc. 115 at 6).

Finally, Geddis admitted that the images supporting Count Three had been recovered from the Seagate drive seized while searching his home. (*Cr-Doc.* 144 at 29–31). The images included a photograph of a prepubescent girl between seven and ten years old forward facing the camera with her legs positioned to expose her vagina in a lewd or lascivious manner and another image of a prepubescent boy between three and five years old, naked, extending his penis with his left hand, and simulating castration with a knife-like object. (*Id.*).

At the end of the hearing, the magistrate judge found that Geddis had entered an informed and voluntary guilty

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plea. (*Id.* at 33; Cr-Doc. 80). A report and recommendation recommending that Geddis's guilty plea be accepted was entered. (Cr-Docs. 80, 84). The then-assigned district judge, the Honorable Elizabeth A. Kovachevich, accepted the guilty plea. (Cr-Docs. 80, 84).

The United States Probation Office considered the offense guidelines and specific offense characteristics applicable to Geddis's counts of conviction, pursuant to USSG §§ 2G2.1 and 2G2.2, and recommended a calculation of Geddis's guidelines based on a combined adjusted offense level of 46. (PSR ¶¶ 26–57). The Probation Office then recommended a five-level enhancement under USSG §4B1.5(b)(1) (repeat and dangerous sex offender against minors) because Geddis had engaged in a pattern of activity involving prohibited sexual conduct—three occasions of sexual abuse of his grandson and sexual abuse of his daughter when she was 11 to 12 years old, which was not reported to law enforcement. (PSR ¶ 58).

After reductions were made for Geddis's acceptance of responsibility, his total offense level was 48. (PSR ¶ 62). That said, due to the operation of Chapter 5, Part A comment. (n.2), his total offense level was treated as offense level 43. (PSR ¶ 63). The offense level combined with a criminal history category I produced an advisory guideline range of 960 months of imprisonment. (PSR ¶ 115).

Geddis's eldest daughter testified at Geddis's sentencing hearing, describing her sexual abuse by Geddis and his effort to intimidate her and prevent her from

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revealing the abuse. (Cr-Doc. 150 at 16–19). She added that Geddis had beaten her, punched her brother in the eye, and emotionally abused her mother. (*Id.* at 17–18). She also stated that in 2012, her brother-in-law had sexually assaulted her and that Geddis had threatened her and told her not to tell anyone. (*Id.*).

Geddis discussed his daughter’s statement with his attorney (*id.* at 19), and then, in rebuttal, his counsel argued that her allegations were not charged conduct, were “sensational,” and were not disclosed in the PSR (*id.* at 14, 22). Geddis’s counsel also disputed the accuracy of Geddis’s daughter’s statement, asserting that her allegations had surfaced because she had written a letter to her mother “for being, if not complicit, complacent in the sexual abuse that she alleges she endured.” (*Id.* at 26). Counsel explained that he had advised Geddis that, as his counsel, it was “not our job” to be finders of fact and that “given the magnitude of the other allegations in this case,” Geddis would not “be doing himself any favor by contesting them.” (*Id.*) Counsel added that Geddis “did not and does not want to do anything, regardless of what each side claims did or did not occur, that could even be interpreted as, you know, disparaging his daughter’s credibility” and that Geddis “takes full and utter responsibility for whatever he did that leads her to—has caused her to have pain, to cause her to believe that he is responsible for that pain.” (*Id.*) Counsel argued that Geddis believed his daughter made the allegations against him because she felt the family did not support her when she complained about her brother-in-law in 2012. (*Id.* at 29–30). Counsel repeated, however, that

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in the grand scheme of things, our advice and our guidance to our client and our position at sentencing was, you know what, it's just not worth it, it's historic conduct, it's removed, there was nothing that could be considered remotely even a prompt outcry, and we don't want to do anything and I still don't want to do anything that could be interpreted as disparaging or undermining the word of someone who claims to have been victimized.

(*Id.* at 30). Counsel stated, however, that Geddis was challenging the five-level enhancement for a pattern of sexual abuse. (*Id.* at 30–31). This Court overruled the objection and adopted the Probation Office's guidelines calculations, stating that it would not consider Geddis's daughter's statements about Geddis's physical abuse of his son or Geddis's response to her complaint that her brother-in-law had assaulted her. (*Id.* at 31–32).

Geddis's counsel urged this Court to impose the 15-year minimum term of imprisonment applicable to Counts One and Two, pointing to Geddis's remorsefulness, age (68), medical conditions, childhood history of extreme poverty, and physical and sexual abuse by a relative, and by a coach, and charitable work as an adult. (*Id.* at 31–36; *see also* Cr-Doc. 115 at 6). Counsel pointed out that Geddis withdrew his motion to suppress because it would have “undermined his goals of accepting full responsibility and ending the case quickly” and argued that, because his offense level was 51, he effectively had not received credit for having accepted responsibility. (Cr-Doc. 115

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at 4–5; Cr-Doc. 150 at 47). Counsel emphasized Geddis’s support from other family members (*see* Cr-Docs. 115, 115-1) as Geddis did in his allocution (Cr-Doc. 150 at 58). This Court imposed a substantial downward variance from the 960-month sentence recommended under the guidelines, stating that Geddis’s age and infirmity had been considered and that the imposed sentence was necessary to account for the offenses’ nature and circumstances and to avoid unwarranted sentencing disparities. (*Id.* at 68).

DISCUSSION**Waiver and Procedural Bar**

In Ground One, Geddis claims that his iPhone was unlawfully searched without a warrant in violation of his Fourth Amendment rights, and the evidence federal agents extracted from it triggered the unlawful search of his home. According to Geddis, his supplemental filings (Docs. 22, 25, 27) support this claim. However, a criminal defendant who pleads guilty admits all the elements of a formal criminal charge and waives all non-jurisdictional defects in the proceedings. *See United States v. Patti*, 337 F.3d 1317, 1320 (11th Cir. 2003); *United States v. Jackson*, 659 F.2d 73, 74 (5th Cir. 1981); *United States v. Saldana*, 505 F.2d 628, 629 (5th Cir. 1974). He may collaterally challenge the constitutionality of his conviction only by showing that his plea was involuntary. *See Tollett v. Henderson*, 411 U.S. 258, 267 (1973); *Wilson v. United States*, 962 F.2d 996, 997 (11th Cir. 1992); *United States v. Fairchild*, 803 F.2d 1121, 1123 (11th Cir. 1986); *Tiemens v. United States*, 724 F.2d 928, 929 (11th Cir. 1984).

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Geddis advised the magistrate judge that he wished to withdraw his motion to suppress and enter a guilty plea. (Cr-Doc. 101 at 4–5). He then entered a knowing and voluntary guilty plea following a thorough colloquy by the magistrate judge. Geddis confirmed under oath he understood the charges, their elements, and their corresponding statutory minimum and maximum sentences. (Cr-Doc. 144 at 10–14, 16–25). He also confirmed that he understood the rights he would give up by entering a guilty plea and that he had no questions. (*Id.* at 23). The magistrate judge warned Geddis, “Let me also explain that if you have any objections as to how the charges were brought against you or as to how the evidence was gathered in your case, you are waiving any objections to those matters by entering a plea of guilt[y]. Do you understand that?” (*Id.* at 23). Geddis stated that he understood and had no questions. (*Id.*). Therefore, Geddis waived his claim in Ground One.

Even if Geddis had not waived his claim by pleading guilty, the claim is procedurally defaulted because Geddis did not raise it on direct appeal. Ordinarily, claims previously unavailable and not raised in an earlier proceeding are procedurally defaulted and barred from consideration on collateral review. *See Bousley v. United States*, 523 U.S. 614, 622–24 (1998); *United States v. Frady*, 456 U.S. 152, 166 (1982); *McCoy v. United States*, 266 F.3d 1245, 1258 (11th Cir. 2001). A court can excuse a procedural default and review the merits of a claim if the defendant establishes cause and actual prejudice. *Bousley*, 523 U.S. at 622–24; *Frady*, 456 U.S. at 166; *McCoy*, 266 F.3d at 1258–59.

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To show cause for not raising a claim in an earlier proceeding, a petitioner must show “some external impediment preventing counsel from constructing or raising the claim.” *See High v. Head*, 209 F.3d 1257, 1262-63 (11th Cir. 2000). To establish prejudice, the petitioner must prove that “the errors at trial actually and substantially disadvantaged his defense so that he was denied fundamental fairness.” *See Wright v. Hopper*, 169 F.3d 695, 706 (11th Cir. 1999) (internal quotations omitted).

A petitioner can establish cause in some cases by showing that a procedural default was caused by constitutionally ineffective assistance of counsel under *Strickland v. Washington*, 466 U.S. 668, 690 (1984). *See Fortenberry v. Haley*, 297 F.3d 1213, 1222 (11th Cir. 2002). However, the petitioner must allege and prove deficient performance that worked to his prejudice. *See Reece v. United States*, 119 F.3d 1462, 1465-68 (11th Cir. 1997). In Ground Two, Geddis claims that his counsel provided ineffective assistance in advising him to plead guilty rather than litigating the motion to suppress the evidence that federal agents extracted from his iPhone. But for the reasons below, Geddis cannot show deficient performance or prejudice. Ground One is denied as waived and procedurally barred.

Merits

Geddis claims that his former counsel provided ineffective assistance by advising him to plead guilty rather than pursue the motion to suppress the evidence

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obtained from his iPhone (Ground Two)³ and by failing to cross-examine and impeach his daughter about her allegations of sexual abuse when she was a child (Ground Three). “[T]he cases in which habeas petitioners can properly prevail on the ground of ineffective assistance of counsel are few and far between.” *Waters v. Thomas*, 46 F.3d 1506, 1511 (11th Cir. 1995) (en banc) (quoting *Rogers v. Zant*, 13 F.3d 384, 386 (11th Cir. 1994)). As *Sims v. Singletary*, 155 F.3d 1297, 1305 (11th Cir. 1998), explains, *Strickland* governs an ineffective assistance of counsel claim:

The law regarding ineffective assistance of counsel claims is well-settled and well documented. In *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), the Supreme Court set forth a two-part test for analyzing ineffective assistance of counsel claims. According to *Strickland*, first, the defendant must show that counsel’s performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the “counsel” guaranteed the defendant by the Sixth Amendment. Second, the defendant must

3. Geddis also inserts into Ground Two allegations that his former counsel lacked “loyalty” and failed to “zealously advocate in his behalf,” failed to communicate with him, and “permitted” his daughter to send him a letter that influenced him. (Doc. 8 at 15, 16). He does not, however, identify any specific acts or omissions by counsel that resulted in prejudice to him aside from alleging that his counsel failed to litigate the motion to suppress.

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show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

Strickland, 466 U.S. at 687, 104 S. Ct. 2052.

"[C]ounsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Strickland*, 466 U.S. at 690. "[A] court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." 466 U.S. at 690. *Strickland* requires that "in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." 466 U.S. at 690.

Geddis must show that his former counsel's alleged errors prejudiced the defense because "[a]n error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error did not affect the judgment." 466 U.S. at 691–92. To meet this burden, he must show "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. That is, a probability sufficient to undermine confidence in the outcome." 466 U.S. at 694.

Strickland cautions that "strategic choices made after a thorough investigation of law and facts relevant

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to plausible options are virtually unchallengeable, and strategic choices made after less than complete investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation.” 466 U.S. at 690–91. Geddis cannot meet his burden merely by showing that the avenue chosen by counsel proved unsuccessful.

The test has nothing to do with what the best lawyers would have done. Nor is the test even what most good lawyers would have done. We ask only whether some reasonable lawyer at the trial could have acted, in the circumstances, as defense counsel acted at trial We are not interested in grading lawyers’ performances; we are interested in whether the adversarial process at trial, in fact, worked adequately.

White v. Singletary, 972 F.2d 1218, 1220–21 (11th Cir. 1992). *Accord Chandler v. United States*, 218 F.3d 1305, 1313 (11th Cir. 2000) (“To state the obvious: the trial lawyers, in every case, could have done something more or something different. So, omissions are inevitable [T]he issue is not what is possible or ‘what is prudent or appropriate, but only what is constitutionally compelled.”) (en banc) (quoting *Burger v. Kemp*, 483 U.S. 776, 794 (1987)). *See also Jones v. Barnes*, 463 U.S. 745, 751 (1983) (counsel has no duty to raise a frivolous claim).

“[C]ounsel owes a lesser duty to a client who pleads guilty than to one who decided to go to trial, and in the former case, counsel need only provide his client with an understanding of the law in relation to the facts, so that

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the accused may make an informed and conscious choice between accepting the prosecution's offer and going to trial." *Wofford v. Wainwright*, 748 F.2d 1505, 1508 (11th Cir. 1984). To prove prejudice, "the defendant must show that there is 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. at 59. Geddis does not meet his burden of showing deficient performance by his former counsel and prejudice to his defense.⁴

Ground Two

Geddis claims that his former counsel was ineffective in advising him to withdraw his motion to suppress and plead guilty. Yet Geddis entered his guilty plea after a thorough colloquy with the magistrate judge, in which the plea was found to be knowing and voluntary. (*See generally* Cr-Doc. 144). Geddis confirmed for the magistrate judge he was "fully satisfied with the advice and representation [he had] received[,]" that his attorneys had "done for him everything that [he had] asked them to do[]" and no one had threatened him, forced him, or promised him anything to get him to plead guilty. (Cr-Doc. 144 at 10–11).

At the time Geddis withdrew his motion to suppress and later at sentencing, Geddis's counsel stated that Geddis "accepted responsibility as early as reasonably

4. Also, it bears repeating that the Eleventh Circuit conducted an independent review of the criminal case record and found no arguable issues of merit. (Cr-Doc. 155).

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possible in this case[,]” (*See* Cr-Doc. 101 at 4–5; Cr-Doc. 150 at 47). He stated that Geddis withdrew the motion to suppress because “he did not want . . . to take up any unnecessary amount of judicial resources[,]” and that permitted him to request a reduced sentence based on his acceptance of responsibility and remorsefulness. (Cr-Doc. 150 at 47)

The record establishes—and Geddis’s former counsel states in an affidavit submitted by the United States—that Geddis was already under investigation before federal agents seized his iPhone at the border. (*See* PSR ¶ 9; Cr-Doc. 60; Doc. 15, Ex. 2 at 3). Three minor victims had provided sworn statements detailing the sexual conversations they had with Geddis through the Kik application and had described Geddis’s requests for pornographic images and videos. (Cr-Doc. 60 at 1–2, 12–13). From April to June 2018, Geddis communicated with an undercover agent who had assumed a victim’s identity on a Kik account, and Geddis discussed paying the victims for images of child pornography. (*Id.* at 2–4). Geddis’s counsel states, and the affidavit for the warrant to search Geddis’s home shows, that the investigation pre-dating the seizure of Geddis’s iPhone supplied the probable cause to search Geddis’s home. (*See* Doc. 15, Ex. 2, at 3; Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–31). The indictment was based on images recovered from devices seized while searching Geddis’s home, not the iPhone. (*See* Cr-Doc. 77 at 4; Cr-Doc. 144 at 26–31). As Geddis’s former counsel states, Geddis still risked prosecution for the conduct involving the minor victims from whom he received child pornography through the Kik application.

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(Doc. 15, Ex. 2, at 4). For these reasons, Geddis cannot show that “no competent counsel” would have advised him to plead guilty and rely on accepting responsibility rather than litigating the motion to suppress. Because he cannot show deficient performance or prejudice, Ground Two is denied on its merits.

Ground Three

Geddis claims that his former counsel was ineffective in not challenging the five-level enhancement of his offense level under USSG §4B1.5(b) for engaging in a pattern of activity involving prohibited sexual conduct. At the outset, the Court notes that the extent that Geddis may be challenging this Court’s calculation of his guidelines range and its application of this sentencing enhancement (see Doc. 8 at 17, 19–20), his challenge is not cognizable in a section 2255 proceeding. See *Spencer v. United States*, 773 F.3d 1132, 1138 (11th Cir. 2014). He also procedurally defaulted the challenge by not raising it on direct appeal. See *McCoy*, 266 F.3d at 1258–59.

Under USSG § 4B1.5(b)(1), if the defendant is convicted of a covered sex crime and “engaged in a pattern of activity involving prohibited sexual conduct,” the offense level determined under Chapters Two and Three of the guidelines is raised five levels. See USSG § 4B1.5(b)(1). A defendant is considered to have “engaged in a pattern of activity involving prohibited sexual conduct if, on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.” USSG §4B1.5 comment. (n.4(B)(i)). “An occasion of prohibited sexual

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conduct may be considered for purposes of subsection (b) without regard to whether the occasion (I) occurred during the course of the instant offense, or (II) resulted in a conviction for the conduct that occurred on that occasion.” USSG §4B1.5 comment. (n.4(B)(ii)).

Geddis’s counsel stated to this Court, in Geddis’s presence, that Geddis did not want to engage with or disparage his daughter but preferred to “take[] full and utter responsibility for whatever he did that leads her to—has caused her to have pain, to cause her to believe that he is responsible for that pain.” (Cr-Doc. 150 at 26). Thus, Geddis’s counsel did not perform deficiently in failing to object to Geddis’s daughter’s testimony at the sentencing hearing. Counsel’s strategy aligned with Geddis’s goal of accepting responsibility and asking for a reduced sentence based on acceptance and remorse.

Counsel’s strategy was reasonable because objecting to Geddis’s daughter’s testimony would not have changed Geddis’s guidelines calculation. The five-level enhancement would have applied based on Geddis’s sexual abuse of his grandson, which was shown in the three videos recorded in October and November 2014. (Cr-Doc. 144 at 29, 31; *see also* PSR ¶¶ 18–19, 58). *United States v. Fox*, 926 F.3d 1275, 1279–80 (11th Cir. 2019) (“[R]epeated prohibited sexual conduct with a single victim may qualify as a ‘pattern of activity’ for purposes of § 4B1.5(b)(1).”). Also, applying section 4.15(b) did not change Geddis’s total offense level or recommended sentencing range. Geddis’s offense level was treated as level 43. (PSR ¶¶ 57–62). *See* USSG Chapter 5, Part A comment. (n.2). Therefore, Geddis cannot show

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that the result of the sentencing proceeding would have been different had counsel cross-examined his daughter. Because Geddis cannot show deficient performance by counsel and prejudice to his defense, Ground Three is denied on its merits.

ACCORDINGLY, Geddis's amended Section 2255 motion to vacate (Doc. 7) is **DENIED**. The Clerk is **DIRECTED** to enter a judgment against Geddis, **DOCKET** a copy of this Order in the criminal action, and **CLOSE** this case.

**DENIAL OF A CERTIFICATE OF APPEALABILITY
AND LEAVE TO APPEAL *IN FORMA PAUPERIS***

Because Geddis neither makes a substantial showing of the denial of a constitutional right nor shows that reasonable jurists would find debatable both the merits of the underlying claims and the procedural issues, a certificate of appealability and leave to appeal *in forma pauperis* are **DENIED**. 28 U.S.C. § 2253(c)(2). *Slack v. McDaniel*, 529 U.S. 473, 478 (2000).

DONE AND ORDERED in Tampa, Florida, on April 2, 2025.

/s/ Mary S. Scriven
MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE