

22-982 THORNELL V. JONES

DECISION BELOW: 52 F.4th 1104

LOWER COURT CASE NUMBER: 18-99005

QUESTION PRESENTED:

Over thirty years ago, Respondent Danny Lee Jones beat Robert Weaver to death and also beat and strangled Weaver's 7-year-old daughter, Tisha, to death, for which he was convicted and sentenced to death. The district court denied habeas relief following an evidentiary hearing on Jones's ineffective-assistance-of-sentencing-counsel claims. But a Ninth Circuit panel reversed the district court, giving *no* deference to the district court's detailed factual findings. Judge Mark Bennett authored a nine-judge dissent from the denial of en banc rehearing.

The Question Presented is:

Did the Ninth Circuit violate this Court's precedents by employing a flawed methodology for assessing *Strickland* prejudice when it disregarded the district court's factual and credibility findings and excluded evidence in aggravation and the State's rebuttal when it reversed the district court and granted habeas relief?

CERT. GRANTED 12/13/2023