

04-52 RICE V. COLLINS

DECISION BELOW: 348 F3d 1082

LOWER COURT CASE NUMBER: 01-56958

QUESTION PRESENTED:

1. Section 2254(d) of Title 28 of the United States Code provides: "An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States...." Section 2254(e) (1) provides: "In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence. " The Question Presented is:

Does 28 U.S.C. § 2254 allow a federal habeas corpus court to reject the presumption of correctness for state fact-finding, and condemn a state-court adjudication as an unreasonable determination of the facts, where a rational fact-finder could have determined the facts as did the state court?

CERT. GRANTED 6/28/2005