

**10-209 LAFLER V. COOPER**

DECISION BELOW: 376 Fed.Appx. 563

LOWER COURT CASE NUMBER: 09-1487

QUESTION PRESENTED:

Anthony Cooper faced assault with intent to murder charges. His counsel advised him to reject a plea offer based on a misunderstanding of Michigan law. Cooper rejected the offer, and he was convicted as charged. Cooper does not assert that any error occurred at the trial.

On habeas review, the Sixth Circuit found that because there is a reasonable probability that Cooper would have accepted the plea offer had he been adequately advised, his Sixth Amendment rights were violated. The writ was conditioned on Michigan re-offering the plea agreement. The question presented is:

Is a state habeas petitioner entitled to relief where his counsel deficiently advises him to reject a favorable plea bargain but the defendant is later convicted and sentenced pursuant to a fair trial?

IN ADDITION TO THE QUESTIONS PRESENTED BY THE PETITIONS THE PARTIES ARE DIRECTED TO BRIEF AND ARGUE THE FOLLOWING QUESTION:

"WHAT REMEDY, IF ANY, SHOULD BE PROVIDED FOR INEFFECTIVE ASSISTANCE OF COUNSEL DURING PLEA BARGAIN NEGOTIATIONS IF THE DEFENDANT WAS LATER CONVICTED AND SENTENCED PURSUANT TO CONSTITUTIONALLY ADEQUATE PROCEDURES?"

CERT. GRANTED 1/7/2011