

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

**SUPREME COURT OF THE UNITED STATES**

## Syllabus

**SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF  
CORRECTIONS v. LANDRIGAN AKA HILL****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT**

No. 05–1575. Argued January 9, 2007—Decided May 14, 2007

Respondent Landrigan refused to allow his counsel to present the testimony of his ex-wife and birth mother as mitigating evidence at his sentencing hearing for a felony-murder conviction. He also interrupted as counsel tried to proffer other evidence, and he told the Arizona trial judge he did not wish to present any mitigating evidence and to “bring on” the death penalty. The court sentenced him to death, and the sentence was affirmed. The state postconviction court rejected Landrigan’s claim that his counsel was ineffective for failing to conduct further investigation into mitigating circumstances, finding that he had instructed counsel at sentencing not to present any mitigating evidence at all. Landrigan then filed a federal habeas petition under 28 U. S. C. §2254. Exercising its discretion, the District Court refused to grant him an evidentiary hearing because he could not make out even a colorable ineffective-assistance-of-counsel claim. The en banc Ninth Circuit reversed, holding that Landrigan’s counsel’s performance fell below the standard required by *Strickland v. Washington*, 466 U. S. 668.

*Held:* The District Court did not abuse its discretion in refusing to grant Landrigan an evidentiary hearing. Pp. 6–15.

(a) The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) has not changed the basic rule that the decision to grant an evidentiary hearing is left to the district court’s sound discretion, but it has changed the standards for granting federal habeas relief by prohibiting such relief unless a state court’s adjudication “resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by [this Court],” §2254(d)(1), or “was based on an unreasonable determination

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of the facts in light of the evidence presented in the State court proceeding,” §2254(d)(2). Because §2254’s deferential standards control whether to grant habeas relief, a federal court must take into account those standards in deciding whether an evidentiary hearing is appropriate. In deciding whether to grant an evidentiary hearing, a federal court must consider whether the hearing could enable an applicant to prove the petition’s factual allegations, which, if true, would entitle the applicant to federal habeas relief. It follows that if the record refutes the applicant’s factual allegations or otherwise precludes habeas relief, a district court is not required to hold an evidentiary hearing. Pp. 6–8.

(b) Contrary to the Ninth Circuit’s reasoning, the District Court was well within its discretion to determine that, even with the benefit of an evidentiary hearing, Landrigan could not develop a factual record entitling him to federal habeas relief. Pp. 8–13.

(1) The Ninth Circuit concluded that the Arizona state courts’ findings that Landrigan had instructed his counsel not to offer any mitigating evidence took Landrigan’s sentencing colloquy out of context, amounting to an unreasonable determination of the facts. However, the colloquy’s language plainly indicates that Landrigan told his counsel not to present any mitigating evidence, and the record conclusively dispels the Circuit’s conclusion that Landrigan’s statements referred to only his ex-wife’s and birth mother’s testimony. On that record, the state court’s determination that Landrigan refused to allow the presentation of any mitigating evidence was a reasonable determination of the facts. Thus, it was not an abuse of discretion for the District Court to conclude that Landrigan could not overcome §2254(d)(2)’s bar to granting federal habeas relief. That court was entitled to conclude that regardless of what information counsel might have uncovered in his investigation, Landrigan would have interrupted and refused to allow him to present it. Thus, it could conclude that because of his established recalcitrance, Landrigan could not demonstrate prejudice under *Strickland* even if granted an evidentiary hearing. Pp. 8–10.

(2) The Ninth Circuit also erred in finding two alternative reasons for its holding. It concluded that the Arizona courts’ determination that Landrigan’s claims were frivolous and meritless was an unreasonable application of this Court’s precedent, based on the belief, derived from *Wiggins v. Smith*, 539 U. S. 510, that his last minute decision to block testimony could not excuse his counsel’s failure to do an adequate investigation before sentencing. However, this Court has never addressed a situation in which a client interferes with counsel’s efforts to present mitigating evidence to a sentencing court. Thus, it was not objectively unreasonable for the Arizona postconvic-

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tion court to conclude that a defendant who refused to allow any mitigating evidence to be presented could not establish *Strickland* prejudice based on his counsel's failure to investigate further possible mitigating evidence. The Ninth Circuit also found that the record does not indicate that Landrigan's decision was informed and knowing, or that he understood its consequences. This Court has never held that an "informed and knowing" requirement exists with respect to the decision to not introduce mitigating evidence. But even assuming such a requirement exists in this case, Landrigan cannot benefit from it. First, because he never developed his claim properly before the Arizona courts, §2254(e)(2) barred the District Court from granting an evidentiary hearing on that basis. Second, his counsel told the sentencing court in Landrigan's presence that he had carefully explained to Landrigan the importance of mitigating evidence in death penalty cases and his duty as counsel to disclose mitigating factors for consideration. In light of Landrigan's demonstrated propensity for interjecting himself into the proceedings, it is doubtful that he would have sat idly by while counsel lied about such discussions. Third, it is apparent from Landrigan's statement to the sentencing court to bring on the death penalty that he clearly understood the consequences of telling the judge that there were no relevant mitigating circumstances. Pp. 11–13.

(c) The Ninth Circuit also erred in rejecting the District Court's finding that the poor quality of Landrigan's alleged mitigating evidence prevented him from making a colorable prejudice claim. Because most of the evidence that Landrigan now wishes to offer would have been offered by this birth mother and ex-wife had he allowed them to testify, and because the sentencing court had much of the evidence before it by way of counsel's proffer, the District Court could reasonably conclude that any additional evidence would have made no difference in the sentencing. Pp. 13–14.

(d) Even assuming the truth of all the facts Landrigan sought to prove at an evidentiary hearing, he still could not be granted federal habeas relief because the state courts' factual determination that he would not have allowed counsel to present any mitigating evidence at sentencing is not an unreasonable determination of the facts under §2254(d)(2) and the mitigating evidence he seeks to introduce would not have changed the result. Pp. 14–15.

441 F. 3d 638, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, and ALITO, JJ., joined. STEVENS, J., filed a dissenting opinion, in which SOUTER, GINSBURG, and BREYER, JJ., joined.