SUPREME COURT OF THE UNITED STATES

No. 98–8384

TERRY WILLIAMS, PETITIONER *v.* JOHN TAYLOR, WARDEN

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

[April 18, 2000]

JUSTICE O'CONNOR delivered the opinion of the Court with respect to Part II (except as to the footnote), concurred in part, and concurred in the judgment.*

In 1996, Congress enacted the Antiterrorism and Effective Death Penalty Act (AEDPA). In that Act, Congress placed a new restriction on the power of federal courts to grant writs of habeas corpus to state prisoners. The relevant provision, 28 U. S. C. §2254(d)(1) (1994 ed., Supp. III), prohibits a federal court from granting an application for a writ of habeas corpus with respect to a claim adjudicated on the merits in state court unless that adjudication "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." The Court holds today that the Virginia Supreme Court's adjudication of Terry Williams' application for state habeas corpus relief resulted in just such a decision. I agree with that determination and join Parts I, III, and IV of the Court's opinion. Because I disagree, however, with the interpretation of §2254(d)(1) set forth in Part II of

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*JUSTICE KENNEDY joins this opinion in its entirety. THE CHIEF JUSTICE and JUSTICE THOMAS join this opinion with respect to Part II. JUSTICE SCALIA joins this opinion with respect to Part II, except as to the footnote, *infra*, at 10.

JUSTICE STEVENS' opinion, I write separately to explain my views.

I

Before 1996, this Court held that a federal court entertaining a state prisoner's application for habeas relief must exercise its independent judgment when deciding both questions of constitutional law and mixed constitutional questions (*i.e.*, application of constitutional law to fact). See, *e.g.*, *Miller* v. *Fenton*, 474 U. S. 104, 112 (1985). In other words, a federal habeas court owed no deference to a state court's resolution of such questions of law or mixed questions. In 1991, in the case of *Wright* v. *West*, 502 U. S. 1021, we revisited our prior holdings by asking the parties to address the following question in their briefs:

> "In determining whether to grant a petition for writ of habeas corpus by a person in custody pursuant to the judgment of a state court, should a federal court give deference to the state court's application of law to the specific facts of the petitioner's case or should it review the state court's determination *de novo*?" *Ibid.*

Although our ultimate decision did not turn on the answer to that question, our several opinions did join issue on it. See *Wright* v. *West*, 505 U. S. 277 (1992).

JUSTICE THOMAS, announcing the judgment of the Court, acknowledged that our precedents had "treat[ed] as settled the rule that mixed constitutional questions are 'subject to plenary federal review' on habeas." *Id.*, at 289 (quoting *Miller*, *supra*, at 112). He contended, nevertheless, that those decisions did not foreclose the Court from applying a rule of deferential review for reasonableness in future cases. See 505 U. S., at 287–290. According to JUSTICE THOMAS, the reliance of our precedents on *Brown* v. *Allen*, 344 U. S. 443 (1953), was erroneous because the Court in *Brown* never explored in detail whether a federal

habeas court, to deny a state prisoner's application, must conclude that the relevant state-court adjudication was "correct" or merely that it was "reasonable." *Wright*, *supra*, at 287. JUSTICE THOMAS suggested that the time to revisit our decisions may have been at hand, given that our more recent habeas jurisprudence in the nonretroactivity context, see, *e.g.*, *Teague* v. *Lane*, 489 U. S. 288 (1989), had called into question the then-settled rule of independent review of mixed constitutional questions. *Wright*, 505 U. S., at 291–292, 294.

I wrote separately in *Wright* because I believed JUSTICE THOMAS had "understate[d] the certainty with which *Brown* v. *Allen* rejected a deferential standard of review of issues of law." *Id.*, at 300. I also explained that we had considered the standard of review applicable to mixed constitutional questions on numerous occasions and each time we concluded that federal habeas courts had a duty to evaluate such questions independently. *Id.*, at 301–303. With respect to JUSTICE THOMAS' suggestion that *Teague* and its progeny called into question the vitality of the independent-review rule, I noted that "*Teague* did not establish a 'deferential' standard of review" because "[i]t did not establish a standard of review at all." 505 U. S., at 303–304. While *Teague* did hold that state prisoners could not receive "the retroactive benefit of new rules of law," it "did *not* create any deferential standard of review with regard to old rules." 505 U. S., at 304 (emphasis in original).

Finally, and perhaps most importantly for purposes of today's case, I stated my disagreement with JUSTICE THOMAS' suggestion that *de novo* review is incompatible with the maxim that federal habeas courts should "give great weight to the considered conclusions of a coequal state judiciary," *Miller*, *supra*, at 112. Our statement in *Miller* signified only that a state-court decision is due the same respect as any other "persuasive, well-reasoned

authority." *Wright*, 505 U. S., at 305. "But this does not mean that we have held in the past that federal courts must presume the correctness of a state court's legal conclusions on habeas, or that a state court's incorrect legal determination has ever been allowed to stand because it was reasonable. We have always held that federal courts, even on habeas, have an independent obligation to say what the law is." *Ibid.* Under the federal habeas statute as it stood in 1992, then, our precedents dictated that a federal court should grant a state prisoner's petition for habeas relief if that court were to conclude in its independent judgment that the relevant state court had erred on a question of constitutional law or on a mixed constitutional question.

If today's case were governed by the federal habeas statute prior to Congress' enactment of AEDPA in 1996, I would agree with JUSTICE STEVENS that Williams' petition for habeas relief must be granted if we, in our independent judgment, were to conclude that his Sixth Amendment right to effective assistance of counsel was violated. See *ante*, at 25.

II

A

Williams' case is *not* governed by the pre-1996 version of the habeas statute. Because he filed his petition in December 1997, Williams' case is governed by the statute as amended by AEDPA. Section 2254 now provides:

> "(d) 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–
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> "(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly es-

> tablished Federal law, as determined by the Supreme Court of the United States."

Accordingly, for Williams to obtain federal habeas relief, he must first demonstrate that his case satisfies the condition set by §2254(d)(1). That provision modifies the role of federal habeas courts in reviewing petitions filed by state prisoners.

JUSTICE STEVENS' opinion in Part II essentially contends that §2254(d)(1) does not alter the previously settled rule of independent review. Indeed, the opinion concludes its statutory inquiry with the somewhat empty finding that §2254(d)(1) does no more than express a " 'mood' that the federal judiciary must respect." *Ante*, at 21. For JUSTICE STEVENS, the congressionally enacted "mood" has two important qualities. First, "federal courts [must] attend to every state-court judgment with utmost care" by "carefully weighing all the reasons for accepting a state court's judgment." *Ante*, at 25. Second, if a federal court undertakes that careful review and yet remains convinced that a prisoner's custody violates the Constitution, "that independent judgment should prevail." *Ibid*.

One need look no further than our decision in *Miller* to see that JUSTICE STEVENS' interpretation of §2254(d)(1) gives the 1996 amendment no effect whatsoever. The command that federal courts should now use the "utmost care" by "carefully weighing" the reasons supporting a state court's judgment echoes our pre-AEDPA statement in *Miller* that federal habeas courts "should, of course, give great weight to the considered conclusions of a coequal state judiciary." 474 U. S., at 112. Similarly, the requirement that the independent judgment of a federal court must in the end prevail essentially repeats the conclusion we reached in the very next sentence in *Miller* with respect to the specific issue presented there: "But, as we now reaffirm, the ultimate question whether, under the totality of the circumstances, the challenged confession

was obtained in a manner compatible with the requirements of the Constitution *is a matter for independent federal determination.*" *Ibid.* (emphasis added).

That JUSTICE STEVENS would find the new §2254(d)(1) to have no effect on the prior law of habeas corpus is remarkable given his apparent acknowledgment that Congress wished to bring change to the field. See *ante*, at 22 ("Congress wished to curb delays, to prevent 'retrials' on federal habeas, and to give effect to state convictions to the extent possible under law"). That acknowledgment is correct and significant to this case. It cannot be disputed that Congress viewed §2254(d)(1) as an important means by which its goals for habeas reform would be achieved.

JUSTICE STEVENS arrives at his erroneous interpretation by means of one critical misstep. He fails to give independent meaning to both the "contrary to" and "unreasonable application" clauses of the statute. See, *e.g.*, *ante*, at 19 ("We are not persuaded that the phrases define two mutually exclusive categories of questions"). By reading §2254(d)(1) as one general restriction on the power of the federal habeas court, JUSTICE STEVENS manages to avoid confronting the specific meaning of the statute's "unreasonable application" clause and its ramifications for the independent-review rule. It is, however, a cardinal principle of statutory construction that we must " 'give effect, if possible, to every clause and word of a statute.' " *United States* v. *Menasche*, 348 U. S. 528, 538–539 (1955) (quoting *Montclair* v. *Ramsdell*, 107 U. S. 147, 152 (1883)). Section 2254(d)(1) defines two categories of cases in which a state prisoner may obtain federal habeas relief with respect to a claim adjudicated on the merits in state court. Under the statute, a federal court may grant a writ of habeas corpus if the relevant state-court decision was either (1) "*contrary to* . . . clearly established Federal law, as determined by the Supreme Court of the United States," or (2) "*involved an unreasonable application of* . . .

clearly established Federal law, as determined by the Supreme Court of the United States." (Emphases added.)

The Court of Appeals for the Fourth Circuit properly accorded both the "contrary to" and "unreasonable application" clauses independent meaning. The Fourth Circuit's interpretation of §2254(d)(1) in Williams' case relied, in turn, on that court's previous decision in *Green* v. *French*, 143 F. 3d 865 (1998), cert. denied, 525 U. S. 1090 (1999). See 163 F. 3d 860, 866 (CA4 1998) ("[T]he standard of review enunciated in *Green* v. *French* continues to be the binding law of this Circuit"). With respect to the first of the two statutory clauses, the Fourth Circuit held in *Green* that a state-court decision can be "contrary to" this Court's clearly established precedent in two ways. First, a state-court decision is contrary to this Court's precedent if the state court arrives at a conclusion opposite to that reached by this Court on a question of law. Second, a state-court decision is also contrary to this Court's precedent if the state court confronts facts that are materially indistinguishable from a relevant Supreme Court precedent and arrives at a result opposite to ours. See 143 F. 3d, at 869–870.

The word "contrary" is commonly understood to mean "diametrically different," "opposite in character or nature," or "mutually opposed." Webster's Third New International Dictionary 495 (1976). The text of §2254(d)(1) therefore suggests that the state court's decision must be substantially different from the relevant precedent of this Court. The Fourth Circuit's interpretation of the "contrary to" clause accurately reflects this textual meaning. A state-court decision will certainly be contrary to our clearly established precedent if the state court applies a rule that contradicts the governing law set forth in our cases. Take, for example, our decision in *Strickland* v. *Washington*, 466 U. S. 668 (1984). If a state court were to reject a prisoner's claim of ineffective assistance of counsel

on the grounds that the prisoner had not established by a preponderance of the evidence that the result of his criminal proceeding would have been different, that decision would be "diametrically different," "opposite in character or nature," and "mutually opposed" to our clearly established precedent because we held in *Strickland* that the prisoner need only demonstrate a "reasonable probability that . . . the result of the proceeding would have been different." *Id.*, at 694. A state-court decision will also be contrary to this Court's clearly established precedent if the state court confronts a set of facts that are materially indistinguishable from a decision of this Court and nevertheless arrives at a result different from our precedent. Accordingly, in either of these two scenarios, a federal court will be unconstrained by §2254(d)(1) because the state-court decision falls within that provision's "contrary to" clause.

On the other hand, a run-of-the-mill state-court decision applying the correct legal rule from our cases to the facts of a prisoner's case would not fit comfortably within §2254(d)(1)'s "contrary to" clause. Assume, for example, that a state-court decision on a prisoner's ineffective-assistance claim correctly identifies *Strickland* as the controlling legal authority and, applying that framework, rejects the prisoner's claim. Quite clearly, the state-court decision would be in accord with our decision in *Strickland* as to the legal prerequisites for establishing an ineffective-assistance claim, even assuming the federal court considering the prisoner's habeas application might reach a different result applying the *Strickland* framework itself. It is difficult, however, to describe such a run-of-the-mill state-court decision as "diametrically different" from, "opposite in character or nature" from, or "mutually opposed" to *Strickland*, our clearly established precedent. Although the state-court decision may be contrary to the federal court's conception of how *Strickland* ought to be applied in that particular case, the decision is not "mutu-

ally opposed" to *Strickland* itself.

JUSTICE STEVENS would instead construe §2254(d)(1)'s "contrary to" clause to encompass such a routine state-court decision. That construction, however, saps the "unreasonable application" clause of any meaning. If a federal habeas court can, under the "contrary to" clause, issue the writ whenever it concludes that the state court's *application* of clearly established federal law was incorrect, the "unreasonable application" clause becomes a nullity. We must, however, if possible, give meaning to every clause of the statute. JUSTICE STEVENS not only makes no attempt to do so, but also construes the "contrary to" clause in a manner that ensures that the "unreasonable application" clause will have no independent meaning. See *ante*, at 21, 24–25. We reject that expansive interpretation of the statute. Reading §2254(d)(1)'s "contrary to" clause to permit a federal court to grant relief in cases where a state court's error is limited to the manner in which it *applies* Supreme Court precedent is suspect given the logical and natural fit of the neighboring "unreasonable application" clause to such cases.

The Fourth Circuit's interpretation of the "unreasonable application" clause of §2254(d)(1) is generally correct. That court held in *Green* that a state-court decision can involve an "unreasonable application" of this Court's clearly established precedent in two ways. First, a state-court decision involves an unreasonable application of this Court's precedent if the state court identifies the correct governing legal rule from this Court's cases but unreasonably applies it to the facts of the particular state prisoner's case. Second, a state-court decision also involves an unreasonable application of this Court's precedent if the state court either unreasonably extends a legal principle from our precedent to a new context where it should not apply or unreasonably refuses to extend that principle to a new context where it should apply. See 143 F. 3d, at 869–

870.

A state-court decision that correctly identifies the governing legal rule but applies it unreasonably to the facts of a particular prisoner's case certainly would qualify as a decision "involv[ing] an unreasonable application of . . . clearly established Federal law." Indeed, we used the almost identical phrase "application of law" to describe a state court's application of law to fact in the certiorari question we posed to the parties in *Wright*.*

The Fourth Circuit also held in *Green* that state-court decisions that unreasonably extend a legal principle from our precedent to a new context where it should not apply (or unreasonably refuse to extend a legal principle to a new context where it should apply) should be analyzed under §2254(d)(1)'s "unreasonable application" clause. See 143 F. 3d, at 869–870. Although that holding may perhaps be correct, the classification does have some problems of precision. Just as it is sometimes difficult to distinguish a mixed question of law and fact from a question of fact, it will often be difficult to identify separately those state-court decisions that involve an unreasonable application of a legal principle (or an unreasonable failure to apply a legal principle) to a new context. Indeed, on the one hand, in some cases it will be hard to distinguish a decision involving an unreasonable extension of a legal principle from a decision involving an unreasonable application of law to facts. On the other hand, in many of the

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*The legislative history of §2254(d)(1) also supports this interpretation. See, *e.g.*, 142 Cong. Rec. 7799 (1996) (remarks of Sen. Specter) ("[U]nder the bill deference will be owed to State courts' decisions on the application of Federal law to the facts. Unless it is unreasonable, a State court's decision applying the law to the facts will be upheld"); 141 Cong. Rec. 14666 (1995) (remarks of Sen. Hatch) ("[W]e allow a Federal court to overturn a State court decision only if it is contrary to clearly established Federal law or if it involves an 'unreasonable application' of clearly established Federal law to the facts").

same cases it will also be difficult to distinguish a decision involving an unreasonable extension of a legal principle from a decision that "arrives at a conclusion opposite to that reached by this Court on a question of law," *supra*, at 7. Today's case does not require us to decide how such "extension of legal principle" cases should be treated under §2254(d)(1). For now it is sufficient to hold that when a state-court decision unreasonably applies the law of this Court to the facts of a prisoner's case, a federal court applying §2254(d)(1) may conclude that the state-court decision falls within that provision's "unreasonable application" clause.

B

There remains the task of defining what exactly qualifies as an "unreasonable application" of law under §2254(d)(1). The Fourth Circuit held in *Green* that a state-court decision involves an "unreasonable application of . . . clearly established Federal law" only if the state court has applied federal law "in a manner that reasonable jurists would all agree is unreasonable." 143 F. 3d, at 870. The placement of this additional overlay on the "unreasonable application" clause was erroneous. It is difficult to fault the Fourth Circuit for using this language given the fact that we have employed nearly identical terminology to describe the related inquiry undertaken by federal courts in applying the nonretroactivity rule of *Teague*. For example, in *Lambrix* v. *Singletary*, 520 U. S. 518 (1997), we stated that a new rule is not dictated by precedent unless it would be "apparent to *all reasonable jurists*." *Id.*, at 528 (emphasis added). In *Graham* v. *Collins*, 506 U. S. 461 (1993), another nonretroactivity case, we employed similar language, stating that we could not say "that *all reasonable jurists* would have deemed themselves compelled to accept Graham's claim in 1984." *Id.*, at 477 (emphasis added).

Defining an "unreasonable application" by reference to a

"reasonable jurist," however, is of little assistance to the courts that must apply §2254(d)(1) and, in fact, may be misleading. Stated simply, a federal habeas court making the "unreasonable application" inquiry should ask whether the state court's application of clearly established federal law was objectively unreasonable. The federal habeas court should not transform the inquiry into a subjective one by resting its determination instead on the simple fact that at least one of the Nation's jurists has applied the relevant federal law in the same manner the state court did in the habeas petitioner's case. The "all reasonable jurists" standard would tend to mislead federal habeas courts by focusing their attention on a subjective inquiry rather than on an objective one. For example, the Fifth Circuit appears to have applied its "reasonable jurist" standard in just such a subjective manner. See *Drinkard* v. *Johnson*, 97 F. 3d 751, 769 (1996) (holding that state court's application of federal law was not unreasonable because the Fifth Circuit panel split 2–1 on the underlying mixed constitutional question), cert. denied, 520 U. S. 1107 (1997). As I explained in *Wright* with respect to the "reasonable jurist" standard in the *Teague* context, "[e]ven though we have characterized the new rule inquiry as whether 'reasonable jurists' could disagree as to whether a result is dictated by precedent, the standard for determining when a case establishes a new rule is 'objective,' and the mere existence of conflicting authority does not necessarily mean a rule is new." 505 U. S., at 304 (citation omitted).

The term "unreasonable" is no doubt difficult to define. That said, it is a common term in the legal world and, accordingly, federal judges are familiar with its meaning. For purposes of today's opinion, the most important point is that an *unreasonable* application of federal law is different from an *incorrect* application of federal law. Our opinions in *Wright*, for example, make that difference

clear. JUSTICE THOMAS' criticism of this Court's subsequent reliance on *Brown* turned on that distinction. The Court in *Brown*, JUSTICE THOMAS contended, held only that a federal habeas court must determine whether the relevant state-court adjudication resulted in a "'satisfactory conclusion.'" 505 U. S., at 287 (quoting *Brown*, 344 U. S., at 463). In JUSTICE THOMAS' view, *Brown* did not answer "the question whether a 'satisfactory' conclusion was one that the habeas court considered *correct*, as opposed to merely *reasonable*." 505 U. S., at 287 (emphases in original). In my separate opinion in *Wright*, I made the same distinction, maintaining that "a state court's *incorrect* legal determination has [never] been allowed to stand because it was *reasonable*. We have always held that federal courts, even on habeas, have an independent obligation to say what the law is." *Id.*, at 305 (emphases added). In §2254(d)(1), Congress specifically used the word "unreasonable," and not a term like "erroneous" or "incorrect." Under §2254(d)(1)'s "unreasonable application" clause, then, a federal habeas court may not issue the writ simply because that court concludes in its independent judgment that the relevant state-court decision applied clearly established federal law erroneously or incorrectly. Rather, that application must also be unreasonable.

JUSTICE STEVENS turns a blind eye to the debate in *Wright* because he finds no indication in §2254(d)(1) itself that Congress was "directly influenced" by JUSTICE THOMAS' opinion in *Wright*. *Ante*, at 23, n. 14. As JUSTICE STEVENS himself apparently recognizes, however, Congress need not mention a prior decision of this Court by name in a statute's text in order to adopt either a rule or a meaning given a certain term in that decision. See *ante*, at 15, n. 11. In any event, whether Congress intended to codify the standard of review suggested by JUSTICE THOMAS in *Wright* is beside the point. *Wright* is impor-

tant for the light it sheds on §2254(d)(1)'s requirement that a federal habeas court inquire into the reasonableness of a state court's application of clearly established federal law. The separate opinions in *Wright* concerned the very issue addressed by §2254(d)(1)'s "unreasonable application" clause– whether, in reviewing a state-court decision on a state prisoner's claims under federal law, a federal habeas court should ask whether the state-court decision was correct or simply whether it was reasonable. JUSTICE STEVENS' claim that the debate in *Wright* concerned only the meaning of the *Teague* nonretroactivity rule is simply incorrect. See *ante*, at 23, n. 14. As even a cursory review of JUSTICE THOMAS' opinion and my own opinion reveals, both the broader debate and the specific statements to which we refer, see *supra*, at 13, concerned precisely the issue of the standard of review to be employed by federal habeas courts. The *Wright* opinions confirm what §2254(d)(1)'s language already makes clear– that an *unreasonable* application of federal law is different from an *incorrect* or *erroneous* application of federal law.

Throughout this discussion the meaning of the phrase "clearly established Federal law, as determined by the Supreme Court of the United States" has been put to the side. That statutory phrase refers to the holdings, as opposed to the dicta, of this Court's decisions as of the time of the relevant state-court decision. In this respect, the "clearly established Federal law" phrase bears only a slight connection to our *Teague* jurisprudence. With one caveat, whatever would qualify as an old rule under our *Teague* jurisprudence will constitute "clearly established Federal law, as determined by the Supreme Court of the United States" under §2254(d)(1). See, *e.g.*, *Stringer* v. *Black*, 503 U. S. 222, 228 (1992) (using term "old rule"). The one caveat, as the statutory language makes clear, is that §2254(d)(1) restricts the source of clearly established law

to this Court's jurisprudence.

In sum, §2254(d)(1) places a new constraint on the power of a federal habeas court to grant a state prisoner's application for a writ of habeas corpus with respect to claims adjudicated on the merits in state court. Under §2254(d)(1), the writ may issue only if one of the following two conditions is satisfied– the state-court adjudication resulted in a decision that (1) "was contrary to . . . clearly established Federal law, as determined by the Supreme Court of the United States," or (2) "involved an unreasonable application of . . . clearly established Federal law, as determined by the Supreme Court of the United States." Under the "contrary to" clause, a federal habeas court may grant the writ if the state court arrives at a conclusion opposite to that reached by this Court on a question of law or if the state court decides a case differently than this Court has on a set of materially indistinguishable facts. Under the "unreasonable application" clause, a federal habeas court may grant the writ if the state court identifies the correct governing legal principle from this Court's decisions but unreasonably applies that principle to the facts of the prisoner's case.

III

Although I disagree with JUSTICE STEVENS concerning the standard we must apply under §2254(d)(1) in evaluating Terry Williams' claims on habeas, I agree with the Court that the Virginia Supreme Court's adjudication of Williams' claim of ineffective assistance of counsel resulted in a decision that was both contrary to and involved an unreasonable application of this Court's clearly established precedent. Specifically, I believe that the Court's discussion in Parts III and IV is correct and that it demonstrates the reasons that the Virginia Supreme Court's decision in Williams' case, even under the interpretation of §2254(d)(1) I have set forth above, was both contrary to

and involved an unreasonable application of our precedent.

First, I agree with the Court that our decision in *Strickland* undoubtedly qualifies as "clearly established Federal law, as determined by the Supreme Court of the United States," within the meaning of §2254(d)(1). See *ante*, at 25–27. Second, I agree that the Virginia Supreme Court's decision was contrary to that clearly established federal law to the extent it held that our decision in *Lockhart* v. *Fretwell*, 506 U. S. 364 (1993), somehow modified or supplanted the rule set forth in *Strickland*. See *ante*, at 27–30, 33. Specifically, the Virginia Supreme Court's decision was contrary to *Strickland* itself, where we held that a defendant demonstrates prejudice by showing "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." 466 U. S., at 694. The Virginia Supreme Court held, in contrast, that such a focus on outcome determination was insufficient standing alone. See *Williams* v. *Warden of Mecklenburg Correctional Center*, 254 Va. 16, 25, 27, 487 S. E. 2d 194, 199, 200 (1997). *Lockhart* does not support that broad proposition. As I explained in my concurring opinion in that case, "in the vast majority of cases . . . [t]he determinative question– whether there is 'a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different'– remains unchanged." 506 U. S., at 373 (quoting *Strickland*, 466 U. S., at 694). In his attempt to demonstrate prejudice, Williams did not rely on any "considerations that, as a matter of law, ought not inform the [prejudice] inquiry." *Lockhart*, *supra*, at 373 (O'CONNOR, J., concurring). Accordingly, as the Court ably explains, the Virginia Supreme Court's decision was contrary to *Strickland*.

To be sure, as THE CHIEF JUSTICE notes, *post*, at 2–3 (dissenting opinion), the Virginia Supreme Court did also inquire whether Williams had demonstrated a reasonable

probability that, but for his trial counsel's unprofessional errors, the result of his sentencing would have been different. See 254 Va., at 25–26, 487 S. E. 2d, at 199–200. It is impossible to determine, however, the extent to which the Virginia Supreme Court's error with respect to its reading of *Lockhart* affected its ultimate finding that Williams suffered no prejudice. For example, at the conclusion of its discussion of whether Williams had demonstrated a reasonable probability of a different outcome at sentencing, the Virginia Supreme Court faulted the Virginia Circuit Court for its "emphasis on mere outcome determination, without proper attention to whether the result of the criminal proceeding was fundamentally unfair or unreliable." 254 Va., at 27, 487 S. E. 2d, at 200. As the Court explains, however, see *ante*, at 28–29, Williams' case did not implicate the unusual circumstances present in cases like *Lockhart* or *Nix* v. *Whiteside*, 475 U. S. 157 (1986). Accordingly, for the very reasons I set forth in my *Lockhart* concurrence, the emphasis on outcome was entirely appropriate in Williams' case.

Third, I also agree with the Court that, to the extent the Virginia Supreme Court did apply *Strickland*, its application was unreasonable. See *ante*, at 30–34. As the Court correctly recounts, Williams' trial counsel failed to conduct investigation that would have uncovered substantial amounts of mitigation evidence. See *ante*, at 30–32. For example, speaking only of that evidence concerning Williams' "nightmarish childhood," *ante*, at 31, the mitigation evidence that trial counsel failed to present to the jury showed that "Williams' parents had been imprisoned for the criminal neglect of Williams and his siblings, that Williams had been severely and repeatedly beaten by his father, that he had been committed to the custody of the social services bureau for two years during his parents' incarceration (including one stint in an abusive foster home), and then, after his parents were released from

prison, had been returned to his parents' custody," *ante*, at 31 (footnote omitted). See also *ante*, at 31, n. 19. The consequence of counsel's failure to conduct the requisite, diligent investigation into his client's troubling background and unique personal circumstances manifested itself during his generic, unapologetic closing argument, which provided the jury with no reasons to spare petitioner's life. More generally, the Virginia Circuit Court found that Williams' trial counsel failed to present evidence showing that Williams "had a deprived and abused upbringing; that he may have been a neglected and mistreated child; that he came from an alcoholic family; . . . that he was borderline mentally retarded;" and that "[his] conduct had been good in certain structured settings in his life (such as when he was incarcerated)." App. 422–423. In addition, the Circuit Court noted the existence of "friends, neighbors and family of [Williams] who would have testified that he had redeeming qualities." *Id.*, at 423. Based on its consideration of all of this evidence, the same trial judge that originally found Williams' death sentence "justified and warranted," *id.*, at 155, concluded that trial counsel's deficient performance prejudiced Williams, *id.*, at 424, and accordingly recommended that Williams be granted a new sentencing hearing, *ibid.* The Virginia Supreme Court's decision reveals an obvious failure to consider the totality of the omitted mitigation evidence. See 254 Va., at 26, 487 S. E. 2d, at 200 ("At most, this evidence would have shown that numerous people, mostly relatives, thought that [Williams] was nonviolent and could cope very well in a structured environment"). For that reason, and the remaining factors discussed in the Court's opinion, I believe that the Virginia Supreme Court's decision "involved an unreasonable application of . . . clearly established Federal law, as determined by the Supreme Court of the United States."

Accordingly, although I disagree with the interpretation

of §2254(d)(1) set forth in Part II of JUSTICE STEVENS' opinion, I join Parts I, III, and IV of the Court's opinion and concur in the judgment of reversal.