The HABEAS CITEBOOK: Ineffective Assistance of Counsel

By BRANDON SAMPLE
Edited by SUSAN SCHWARTZKOPF
Foreword by ELIZABETH ALEXANDER

"...handy and easy-to-use..." — Kent Russell
The Habeas Citebook: Ineffective Assistance of Counsel is the first in a series of books by Prison Legal News Publishing designed to help pro se prisoner litigants identify and raise viable claims for potential habeas corpus relief. This book is an invaluable resource that identifies hundreds of cases where the federal courts have granted habeas relief to prisoners whose attorneys provided ineffective assistance of counsel. It will save litigants thousands of hours of research and it focuses on the WINNING cases criminal defendants need to successfully challenge their convictions.

Well organized into 52 concise chapters, this easy to use book puts the law at the reader’s fingertips. The Appendix includes pleadings and forms from successful habeas corpus cases that demonstrate formatting and show how to frame a winning argument that will persuade a court to grant habeas relief. The Habeas Citebook explains the procedural and substantive complexities of federal habeas corpus litigation with the goal of identifying and litigating claims involving ineffective assistance of counsel.

Brandon Sample is a successful jailhouse lawyer incarcerated in the Federal Bureau of Prisons. He is a Prison Legal News contributing writer and a member of the National Lawyers Guild. Editor Susan Schwartzkopf has a master’s degree in education and is the director and editor in chief of Prison Legal News Publishing.

The Habeas Citebook: Ineffective Assistance of Counsel is a fifty and concise self-help guide for prisoners seeking habeas relief based on claims of ineffective assistance of counsel. Navigating the complex and treacherous terrain of habeas law is never easy; but claiming that your lawyer screwed up is even more difficult — especially from the confines of an ill-equipped prison law library.

But Brandon Sample has provided an amazing and much-needed tool for prisoners who are forced to seek relief on their own. The book is thorough; but simple and readable.

It starts with a wonderfully well-organized listing of hundreds of different types of ineffective assistance of counsel, set forth in the form of citations to court rulings — a novel approach that not only acts as a springboard for further research but also saves the prisoner countless hours of preliminary research.

The book is also practical and useful. It provides invaluable resources, including templates and forms, that explain what, when, where and how to file for habeas relief. It contains readable summaries of the relevant laws and rules and plain-English explanations of some of the inherently mystifying concepts of habeas law, such as “procedural default” and “certificates of appealability” and the “AEDPA.”

It includes practical advice on what to do and what not to do on issues such as identifying and selecting the claims to be argued; seeking discovery and evidentiary hearings; and seeking the appointment of counsel.

The book consistently offers critical insights on winning court strategies. In short, Habeas Citebook: Ineffective Assistance of Counsel is an essential resource for any would-be jail-house lawyer.

—Peter Schmidt, Publisher, Punch & Jurists

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Dedicated to Protecting Human Rights
P.O. Box 2420 West Brattleboro VT 05303
Tel 802 257-1342 • www.prisonlegalnews.org

As I've said many times, Ineffective Assistance of Counsel is the “mother’s milk” of habeas corpus — not only because bad lawyering at the trial level is all too common in contributing to wrongful convictions, but also because “IAC” is just about the only claim a petitioner can raise on habeas that has not already been turned down on direct appeal.

Every habeas lawyer is intimately familiar with the Strickland standard — requiring a showing of “deficient performance” and “prejudice” — but even for attorneys like myself, with hundreds of habeas cases under my belt, it is extremely difficult to keep up with the wide variety of fact patterns that arise in the slew of IAC cases that have come down every year.

This handy and easy-to-use book lightens that burden considerably by collecting IAC cases from all over the country, most of which have resulted in relief on habeas corpus, and organizing them in logical categories which can then be navigated to zero in on the fact pattern that is most analogous to the habeas case at hand.

Every habeas petitioner and practitioner should benefit from having this book close by when drafting the “case authority” section of IAC claims which, again, are the ones that most often result in success on habeas corpus.

—Kent Russell
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PRISON LEGAL NEWS
Brattleboro, Vermont
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Prison Legal News
PO Box 2420
West Brattleboro VT 05303
(802) 257-1342
www.prisonlegalnews.org
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