

# The Burger Court Opinion Writing Database

## *Hill v. Lockhart*

474 U.S. 52 (1985)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

November 15, 1985

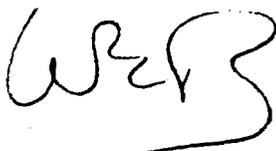
CHAMBERS OF  
THE CHIEF JUSTICE

Re: 84-1103 - William Lloyd Hill v. A.L. Lockhart,  
Director, Arkansas Department of Correction

Dear Bill:

I join.

Regards,



Justice Rehnquist

Copies to the Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

November 6, 1985

No. 84-1103

Hill v. Lockhart

Dear Bill,

At Conference, I voted to reverse in this case. Your excellent opinion, however, has prompted me to change my vote and join you if you would consider making one change in the opinion. This would be to add, in the last line on page 7, after "predictions" and before "should," the following clause: "of the outcome at a possible trial, where necessary, . . . ."

Sincerely,



Justice Rehnquist

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

November 8, 1985

No. 84-1103

Hill v. Lockhart

Dear Bill,

I am happy to join your opinion in  
the above and thank you very much for  
the change at page 7.

Sincerely,

*Bill*

Justice Rehnquist

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

November 12, 1985

Re: 84-1103 - Hill v. Lockhart

Dear Bill,

I shall shortly circulate an opinion  
concurring in the result.

Sincerely yours,



Justice Rehnquist

Copies to the Conference

To: The Chief Justice  
Justice Brennan  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Rehnquist  
Justice Stevens  
Justice O'Connor

From: **Justice White**

Circulated: \_\_\_\_\_ 13 1985

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-1103

**WILLIAM LLOYD HILL, PETITIONER v. A. L. LOCK-  
HART, DIRECTOR, ARKANSAS DEPARTMENT  
OF CORRECTION**

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

[November —, 1985]

JUSTICE WHITE, concurring in the judgment.

The only question properly before the Court is whether petitioner is entitled to an evidentiary hearing in a federal habeas proceeding where he has alleged that his guilty plea entered in state court was involuntary and resulted from ineffective assistance of counsel. I write separately to state why, under the particular facts of this case, petitioner is not entitled to an evidentiary hearing on his habeas claim of ineffective assistance of counsel.

It is necessary, in my view, to focus on the "plea statement" signed by petitioner. The statement is a standardized form to be completed by defense counsel, in consultation with his client, and submitted to the court for consideration. The form calls for the insertion of specific information in the appropriate spaces. Among the items to be included are the crime with which the defendant is charged, whether that crime is a felony or a misdemeanor, and the maximum sentence and/or fine defendant could receive if found guilty of the offense. There is also a blank space in which to indicate the number of prior convictions which the defendant has suffered. App. 28.

As the majority indicates, petitioner signed such a written "plea statement" indicating that he understood the charges against him, the consequences of pleading guilty, and that he

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

November 7, 1985

Re: No. 84-1103-Hill v. Lockhart

Dear Bill:

I surrender. Please join me.

Sincerely,

*T.M.*  
T.M.

Justice Rehnquist

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

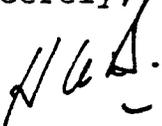
CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

November 6, 1985

Re: No. 84-1103, Hill v. Lockhart

Dear Bill:

Please join me.

Sincerely,  


Justice Rehnquist

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

November 6, 1985

84-1103 Hill v. Lockhart

Dear Bill:

Please join me.

Sincerely,



Justice Rehnquist

lfp/ss

cc: The Conference

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Stevens  
Justice O'Connor

From: **Justice Rehnquist**

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1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-1103

**WILLIAM LLOYD HILL, PETITIONER v. A. L. LOCKHART, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION**

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

[November —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner William Lloyd Hill pleaded guilty in the Arkansas trial court to charges of first-degree murder and theft of property. More than two years later he sought federal habeas relief on the ground that his court-appointed attorney had failed to advise him that, as a second offender, he was required to serve one-half of his sentence before becoming eligible for parole. The United States District Court for the Eastern District of Arkansas denied relief without a hearing, and the en banc Court of Appeals for the Eighth Circuit affirmed by an equally divided court. We granted certiorari because of the difference between the result reached in the present case and that reached by the Court of Appeals for the Fourth Circuit in *Strader v. Garrison*, 611 F. 2d 61 (CA4 1979). We affirm the judgment of the Court of Appeals for the Eighth Circuit because we conclude that petitioner failed to allege the kind of prejudice from the allegedly incompetent advice of counsel that would have entitled him to a hearing.

Under Arkansas law, the murder charge to which petitioner pleaded guilty carried a potential sentence of five to fifty years or life in prison, along with a fine of up \$15,000. Ark. Stat. Ann. §§ 41-1502(3), 41-901(1)(a), 41-1101(1)(a) (1977). Petitioner's court-appointed attorney negotiated a plea agreement pursuant to which the state, in return for pe-

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

November 7, 1985

Re: No. 84-1103 Hill v. Lockhart

Dear Bill,

I will be happy to make the change suggested in your letter of November 6th, and will shortly recirculate to that effect.

Sincerely,



Justice Brennan

cc: The Conference

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Stevens  
Justice O'Connor

Revision at page 7 and  
STYLISTIC CHANGES THROUGHOUT

From: Justice Rehnquist

Circulated: \_\_\_\_\_

Recirculated: NOV 8 1985

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 84-1103

WILLIAM LLOYD HILL, PETITIONER *v.* A. L. LOCKHART, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION

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

[November —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner William Lloyd Hill pleaded guilty in the Arkansas trial court to charges of first-degree murder and theft of property. More than two years later he sought federal habeas relief on the ground that his court-appointed attorney had failed to advise him that, as a second offender, he was required to serve one-half of his sentence before becoming eligible for parole. The United States District Court for the Eastern District of Arkansas denied relief without a hearing, and the en banc Court of Appeals for the Eighth Circuit affirmed by an equally divided court. We granted certiorari because of the difference between the result reached in the present case and that reached by the Court of Appeals for the Fourth Circuit in *Strader v. Garrison*, 611 F. 2d 61 (1979). 470 U. S. — (1985). We affirm the judgment of the Court of Appeals for the Eighth Circuit because we conclude that petitioner failed to allege the kind of prejudice from the allegedly incompetent advice of counsel that would have entitled him to a hearing.

Under Arkansas law, the murder charge to which petitioner pleaded guilty carried a potential sentence of 5 to 50 years or life in prison, along with a fine of up \$15,000. Ark. Stat. Ann. §§41-1502(3), 41-901(1)(a), 41-1101(1)(a) (1977). Petitioner's court-appointed attorney negotiated a plea

P. 8

To: The Chief Justice  
Justice Brennan  
Justice White  
Justice Marshall  
Justice Blackmun  
Justice Powell  
Justice Stevens  
Justice O'Connor

From: **Justice Rehnquist**

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Recirculated: NOV 14 1985

3rd DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 84-1103

**WILLIAM LLOYD HILL, PETITIONER v. A. L. LOCKHART, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION**

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

[November —, 1985]

JUSTICE REHNQUIST delivered the opinion of the Court.

Petitioner William Lloyd Hill pleaded guilty in the Arkansas trial court to charges of first-degree murder and theft of property. More than two years later he sought federal habeas relief on the ground that his court-appointed attorney had failed to advise him that, as a second offender, he was required to serve one-half of his sentence before becoming eligible for parole. The United States District Court for the Eastern District of Arkansas denied relief without a hearing, and the en banc Court of Appeals for the Eighth Circuit affirmed by an equally divided court. We granted certiorari because of the difference between the result reached in the present case and that reached by the Court of Appeals for the Fourth Circuit in *Strader v. Garrison*, 611 F. 2d 61 (1979). 470 U. S. — (1985). We affirm the judgment of the Court of Appeals for the Eighth Circuit because we conclude that petitioner failed to allege the kind of prejudice from the allegedly incompetent advice of counsel that would have entitled him to a hearing.

Under Arkansas law, the murder charge to which petitioner pleaded guilty carried a potential sentence of 5 to 50 years or life in prison, along with a fine of up \$15,000. Ark. Stat. Ann. §§ 41-1502(3), 41-901(1)(a), 41-1101(1)(a) (1977). Petitioner's court-appointed attorney negotiated a plea

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

November 7, 1985

Re: 84-1103 - Hill v. Lockhart

Dear Bill:

My vote to affirm (or to "dig") in this case was heavily influenced by the fact that the plea agreement which the petitioner signed recited that he had no prior conviction. If one assumes that this is the information that he gave to his attorney, there is really no basis for suggesting that his attorney's advice was incompetent. In view of the fact that part of your analysis seems to suggest that the character of the alleged ineffectiveness of counsel is relevant (see especially page 7), I should think it rather important to have the opinion disclose that the allegation of incompetence is itself extremely dubious.

I'm also a little uncomfortable with the suggestion that a defendant must allege "special circumstances" (page 8) in order to support the conclusion that he regarded the date of parole eligibility as a significant factor in deciding whether or not to plead guilty. I would think that in the normal case this would be a matter of great importance to the defendant in deciding whether or not to take his chances on a trial instead of accepting a plea bargain.

I may end up joining most or all of what you've written, but I am concerned about the omission of the fact that the plea agreement indicated that he had no prior convictions and I am also concerned that you may be reading the pleadings a little more strictly than is appropriate.

Respectfully,

Justice Rehnquist

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

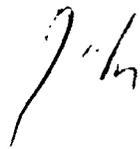
November 13, 1985

Re: 84-1103 - Hill v. Lockhart

Dear Byron:

Please join me in your opinion concurring in the judgment.

Respectfully,



Justice White

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE SANDRA DAY O'CONNOR

November 6, 1985

No. 84-1103 Hill v. Lockhart

Dear Bill,

Please join me.

Sincerely,



Justice Rehnquist

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