

Silverstein and Meuti File Petition for Writ of Certiorari in Supreme Court

JUNE 6, 2023

Benesch attorneys Michael B. Silverstein and Michael Meuti filed a petition for a writ of certiorari in the Supreme Court of the United States on June 1, 2023, in *Taylor v. Bell*.

Background

This case arises from a petition of habeas corpus asserting that Johnny Taylor received ineffective assistance of counsel in violation of the Sixth Amendment. After being arrested, Taylor was appointed counsel for his criminal trial. Taylor's counsel conducted no investigation of Taylor's case over the five months between his appointment and trial. He met with Taylor once, the night before trial and only for 10 minutes. Taylor asked his counsel to investigate multiple leads that would have undermined the State's case. Taylor was found guilty and sentenced to 20-50 years.

On appeal, Taylor asked the state court to give him a hearing to obtain additional evidence of his counsel's failure to investigate. The state court denied Taylor a hearing, stating no additional evidence was needed. But that same court denied Taylor's appeal, stating that Taylor did not have enough evidence.

Michael Silverstein was appointed to represent Taylor in his habeas-corpus appeal to the United States Court of Appeals for Sixth Circuit.

Significance

This case presents both a circuit split and a novel issue. The circuit split revolves around whether courts can presume a deficiency prejudiced a criminal defendant when an attorney's deficiencies are particularly egregious. The novel issue is how federal courts on habeas review can remedy circular decisions by state courts. If the Supreme Court takes this case, it can demonstrate that counsel does not need to be entirely absent from a proceeding in order for courts to presume prejudice. It can also clarify that evidentiary hearings can function as a remedy in habeas proceedings.

Benesch's Appellate Litigation Team buttresses the firm's strong litigation practice and extensive subject-matter expertise. The team protects our litigators' hard-fought victories and helps our clients correct bad decisions by trial courts, often taking over for other firms. In pro bono cases, the team protects the rights of indigent defendants and looks for cases to help combat systemic injustices.

Michael Meuti, a former Sixth Circuit law clerk and Ohio Deputy Solicitor, leads the firm's Appellate Litigation Team and draws on his extensive experience to home in on the issues that persuade judges. Michael Silverstein maintains an active pro bono practice and works with clients in a wide array of industries. He is a member of the Sixth Circuit Criminal Justice Act Panel where he represents individuals who cannot afford counsel in federal criminal matters on appeal.