

Federal Habeas Corpus

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Cases and Materials

THIRD EDITION

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We dedicate this book to:
Samantha, Will, Ella, Zach, Moses, Adela, Aden, and Maya
And to the many colleagues and clients who have generously shared their
knowledge and their stories with us.

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Preface

We undertook this book in hopes of helping students understand and critically examine the political, legal, and pragmatic effects of the role of habeas corpus in our criminal justice system. At the same time, we hope this book may also be useful to attorneys who wish to familiarize themselves with habeas corpus jurisprudence. While we have tried to fairly present the competing concerns that inform this complex and evocative area of the law, because we are defense attorneys, our experiences representing individual — rather than governmental — interests have undoubtedly shaped our personal perspectives. As we finished reading each case, we would often wonder what happened to the person behind the case, the person whose life and liberty the Court’s decision most immediately affected. Many of the cases are thus followed by a brief synopsis of what happened to the defendant after the case was over.

We want to acknowledge the support and assistance our schools provided us while writing this book: University of Denver Sturm College of Law and the University of Iowa College of Law. We also acknowledge the important work of Professors James Liebman, Randy Hertz, Eric Freedman, Larry Yackle, and many others whose treatises, articles, books, and research continue to be both groundbreaking and foundational.

