Criminal Procedure

Metrish v. Lancaster, 569 U.S. __ (May 20, 2013). In this federal habeas case, the Court held that the Michigan Court of Appeals did not unreasonably apply clearly established federal law when it retroactively applied to the defendant's case a state supreme court decision rejecting the diminished capacity defense for first-degree murder. The defendant was convicted in Michigan state court of first-degree murder. When the crime was committed, Michigan's intermediate appellate court had repeatedly recognized diminished capacity as a defense negating the mens rea required for first-degree murder. However, by the time the defendant's case was tried, the Michigan Supreme Court, in a decision called *Carpenter,* had rejected the defense and he thus was precluded from offering it at trial. In the Michigan Court of Appeals, the defendant unsuccessfully argued that retroactive application of *Carpenter* denied him due process of law. He then sought federal habeas relief. The Court noted that judicial changes to a common law doctrine of criminal law violate the principle of fair warning and thus must not be given retroactive effect only where the change "is unexpected and indefensible by reference to the law which had been expressed prior to the conduct in issue." Slip Op. at 7 (quotation omitted). Judged against this standard, the Court held that the Michigan court's rejection of the defendant's due process claim was not an unreasonable application of federal law.