

Ineffective Assistance

[*Hinton v. Alabama*](#), 571 U.S. ___ (Feb. 24, 2014). Defense counsel in a capital case rendered deficient performance when he made an “inexcusable mistake of law” causing him to employ an expert “that he himself deemed inadequate.” Counsel believed that he could only obtain \$1,000 for expert assistance when in fact he could have sought court approval for “any expenses reasonably incurred.” The Court clarified:

We wish to be clear that the inadequate assistance of counsel we find in this case does not consist of the hiring of an expert who, though qualified, was not qualified enough. The selection of an expert witness is a paradigmatic example of the type of “strategic choic[e]” that, when made “after thorough investigation of [the] law and facts,” is “virtually unchallengeable.” We do not today launch federal courts into examination of the relative qualifications of experts hired and experts that might have been hired. The only inadequate assistance of counsel here was the inexcusable mistake of law—the unreasonable failure to understand the resources that state law made available to him—that caused counsel to employ an expert that he himself deemed inadequate.

Slip Op. at 12 (citation omitted). The court remanded for a determination of whether counsel’s deficient performance was prejudicial.