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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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RENICO, WARDEN *v.* LETT

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

No. 09–338. Argued March 29, 2010—Decided May 3, 2010

From jury selection to jury instructions in a Michigan court, respondent Lett's first trial for, *inter alia,* first-degree murder took less than nine hours. During approximately four hours of deliberations, the jury sent the trial court seven notes, including one asking what would happen if the jury could not agree. The judge called the jury and the attorneys into the courtroom and questioned the foreperson, who said that the jury was unable to reach a unanimous verdict. The judge then declared a mistrial, dismissed the jury, and scheduled a new trial. At Lett's second trial, after deliberating for only 3 hours and 15 minutes, a new jury found him guilty of second-degree murder. On appeal, Lett argued that because the judge in his first trial had announced a mistrial without any manifest necessity to do so, the Double Jeopardy Clause barred the State from trying him a second time. Agreeing, the Michigan Court of Appeals reversed the conviction. The Michigan Supreme Court reversed. It concluded that, under *United States* v. *Perez*, 9 Wheat. 579, 580, a defendant may be retried following the discharge of a deadlocked jury so long as the trial court exercised its "sound discretion" in concluding that the jury was deadlocked and thus that there was a "manifest necessity" for a mistrial; and that, under *Arizona* v. *Washington*, 434 U. S. 497, 506–510, an appellate court must generally defer to a trial judge's determination that a deadlock has been reached. It then found that the judge at Lett's first trial had not abused her discretion in declaring the mistrial, observing that the jury had deliberated a sufficient amount of time following a short, noncomplex trial; that the jury had sent several notes, including one appearing to indicate heated discussions; and that the foreperson had stated that the jury could not reach a verdict. In Lett's federal habeas petition, he contended that the

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Michigan Supreme Court's rejection of his double jeopardy claim was "an unreasonable application of . . . clearly established Federal law, as determined by the Supreme Court of the United States," 28 U. S. C. §2254(d)(1), and thus that he was not barred by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) from obtaining federal habeas relief. The District Court granted the writ, and the Sixth Circuit affirmed.

Held: Because the Michigan Supreme Court's decision in this case was not unreasonable under AEDPA, the Sixth Circuit erred in granting Lett habeas relief. Pp. 5–12.

(a) The question under AEDPA is whether the Michigan Supreme Court's determination was "an unreasonable application of . . . clearly established Federal law," §2254(d)(1), not whether it was an incorrect application of that law, see *Williams* v. *Taylor*, 529 U. S. 362, 410. AEDPA imposes a "highly deferential standard for evaluating state-court rulings," *Lindh* v. *Murphy*, 521 U. S. 320, 333, n. 7, and "demands that [they] be given the benefit of the doubt," *Woodford* v. *Visciotti*, 537 U. S. 19, 24 (*per curiam*). Pp. 5–6.

(b) Here, the "clearly established Federal law" is largely undisputed. When a judge discharges a jury on the grounds that the jury cannot reach a verdict, the Double Jeopardy Clause does not bar a new trial for the defendant before a new jury, *Perez*, 9 Wheat., at 579–580. Trial judges may declare a mistrial when, "in their opinion, taking all the circumstances into consideration, there is a manifest necessity" for doing so, *id.*, at 580, *i.e.,* a "high degree" of necessity, *Washington*, *supra,* at 506. The decision whether to grant a mistrial is reserved to the "broad discretion" of the trial judge, *Illinois* v. *Somerville*, 410 U. S. 458, 462, and the discretion "to declare a mistrial [for a deadlocked jury] is . . . accorded great deference by a reviewing court," *Washington*, *supra*, at 510, although this deference is not absolute. This Court has expressly declined to require the "mechanical application" of any "rigid formula," *Wade* v. *Hunter*, 336 U. S. 684, 690–691, when a trial judge decides to declare a mistrial due to jury deadlock, and it has explicitly held that the judge is not required to make explicit findings of "manifest necessity" or "articulate on the record all the factors" informing his discretion, *Washington*, *supra*, at 517. The Court has never required a judge in these circumstances to force the jury to deliberate for a minimum period of time, to question the jurors individually, to consult with counsel, to issue a supplemental jury instruction, or to consider any other means of breaking the impasse. Moreover, the legal standard applied by the Michigan Supreme Court is a general one—whether there was an abuse of the "broad discretion" reserved to the trial judge, *Somerville*, *supra*, at 462. Because AEDPA authorizes a federal court to grant

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relief only when a state court's application of federal law was unreasonable, it follows that "[t]he more general the rule" at issue—and thus the greater the potential for reasoned disagreement among fair-minded judges—"the more leeway [state] courts have in reaching outcomes in case-by-case determinations." *Yarborough* v. *Alvarado*, 541 U. S. 652, 664. Pp. 6–9.

(c) The Michigan Supreme Court's adjudication involved a straightforward application of this Court's longstanding precedents to the facts of Lett's case. The state court cited this Court's double jeopardy cases—from *Perez* to *Washington*—applying those precedents to the particular facts before it and finding no abuse of discretion in light of the length of deliberations following a short, uncomplicated trial, the jury's notes to the judge, and the fact that the foreperson stated that the jury could not reach a verdict. It was thus reasonable for the court to determine that the trial judge had exercised sound discretion in declaring a mistrial. The Sixth Circuit concluded otherwise because it disagreed with the inferences that the Michigan Supreme Court had drawn from the facts. The Circuit Court's interpretation is not implausible, but other reasonable interpretations of the record are also possible. It was not objectively unreasonable for the Michigan Supreme Court to conclude that the trial judge's exercise of discretion was sound, both in light of what happened at trial and the fact that the relevant legal standard is a general one, to which there is no "plainly correct or incorrect" answer in this case. *Yarborough*, *supra,* at 664. The Sixth Circuit failed to grant the Michigan courts the dual layers of deference required by AEDPA and this Court's double jeopardy precedents. Pp. 9–11.

(d) The Sixth Circuit also erred in relying on its own *Fulton* v. *Moore* decision for the proposition that *Arizona* v. *Washington* sets forth three specific factors that determine whether a judge has exercised sound discretion. Because *Fulton* does not constitute "clearly established Federal law, as determined by the Supreme Court," §2254(d)(1), failure to apply it does not independently authorize habeas relief under AEDPA. Nor can *Fulton* be understood merely to illuminate this Court's decision in *Washington*, as *Washington* did not set forth any such test to determine whether a trial judge has exercised sound discretion in declaring a mistrial. Pp. 11–12.

(e) The Court does not deny that the trial judge in this case could have been more thorough before declaring a mistrial. Nonetheless, the steps that the Sixth Circuit thought she should have taken were not required—either under this Court's double jeopardy precedents or, by extension, under AEDPA. Pp. 12.

316 Fed. Appx. 421, reversed and remanded.

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ROBERTS, C. J., delivered the opinion of the Court, in which SCALIA, KENNEDY, THOMAS, GINSBURG, and ALITO, JJ., joined. STEVENS, J., filed a dissenting opinion, in which SOTOMAYOR, J., joined, and in which BREYER, J., joined as to Parts I and II.