

Syllabus

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

Syllabus

BRADSHAW, WARDEN v. STUMPF**CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT**

No. 04–637. Argued April 19, 2005—Decided June 13, 2005

Respondent Stumpf and his accomplice Wesley committed an armed robbery that left Mr. Stout wounded and Mrs. Stout dead. Stumpf admitted shooting Mr. Stout but has always denied killing Mrs. Stout. In Ohio state court proceedings, Stumpf pleaded guilty to, among other things, aggravated murder and one of three capital murder specifications charged in his indictment. This left Stumpf eligible for the death penalty. In a contested penalty hearing before a three-judge panel, Stumpf's principal mitigation arguments were that he had participated in the robbery at Wesley's urging, that Wesley had killed Mrs. Stout, and that Stumpf's minor role in the murder counseled against the death sentence. The State, however, claimed that Stumpf had shot Mrs. Stout, and that he therefore was the principal offender in her murder. In the alternative, the State noted that even an accomplice can be sentenced to death under Ohio law if he acted with the specific intent to cause death, and the State argued that such intent could be inferred from the circumstances of the robbery regardless of who actually shot Mrs. Stout. The panel concluded that Stumpf was the principal offender and sentenced him to death. At Wesley's subsequent jury trial, however, the State presented evidence that Wesley had admitted to shooting Mrs. Stout. But Wesley argued that the prosecutor had taken a contrary position in Stumpf's trial, and Wesley was sentenced to life in prison with the possibility of parole. After Wesley's trial, Stumpf moved to withdraw his own plea or vacate his death sentence, arguing that the evidence endorsed by the State in Wesley's trial cast doubt on Stumpf's conviction and sentence. This time, however, the prosecutor emphasized other evidence confirming Stumpf as the shooter and again raised, in the alternative, the aider-and-abettor theory. The court denied

Syllabus

Stumpf's motion, and Ohio's appellate courts affirmed. Subsequently, the Federal District Court denied Stumpf habeas relief, but the Sixth Circuit reversed on two grounds. First, the Sixth Circuit found that Stumpf had not understood that specific intent to cause death was a necessary element of the aggravated murder charge, and that his guilty plea therefore had not been knowing, voluntary, and intelligent. Second, the court found that the conviction and sentence could not stand because the State had secured convictions of both Stumpf and Wesley for the same crime, using inconsistent theories.

Held:

1. The Sixth Circuit erred in concluding that Stumpf was uninformed of the aggravated murder charge's specific intent element. While a guilty plea is invalid if the defendant has not been informed of the crime's elements, Stumpf's attorneys represented at his plea hearing that they had explained the elements to their client, and Stumpf confirmed that the representation was true. This Court has never held that the judge must himself explain a crime's elements to the defendant. Rather, constitutional requirements may be satisfied where the record accurately reflects that the charge's nature and the crime's elements were explained to the defendant by his own, competent counsel. Stumpf argues that his plea was so inconsistent with his denial of having shot Mrs. Stout that he could only have pleaded guilty out of ignorance of the aggravated murder charge's specific intent element. But that argument fails because Stumpf's conviction did not require a showing that Stumpf had shot Mrs. Stout. Ohio law also considers aiders and abettors who act with specific intent to cause death liable for aggravated murder. Stumpf and Wesley entered the Stout home with guns, intending to commit armed robbery, and Stumpf admitted shooting Mr. Stout. Taken together, these facts could show that the two men had agreed to kill both Stouts, which in turn could make both men guilty of aggravated murder regardless of who shot Mrs. Stout. Stumpf's claim that he and his attorneys were confused about the relevance and timing of defenses that they planned to make is not supported by the record. Finally, the plea's validity may not be collaterally attacked on the ground that Stumpf made what he now claims was a bad deal. Pp. 6–10.

2. The Sixth Circuit was also wrong to hold that prosecutorial inconsistencies between the Stumpf and Wesley cases required voiding Stumpf's guilty plea. The precise identity of the triggerman was immaterial to Stumpf's aggravated murder conviction, and Stumpf has never explained how the prosecution's postplea use of inconsistent arguments could have affected the knowing, voluntary, and intelligent nature of his plea. P. 11.

3. The prosecutor's use of allegedly inconsistent theories may have

Syllabus

a more direct effect on Stumpf's sentence, however, for it is arguable that the sentencing panel's conclusion about his role was material to its sentencing determination. The opinion below leaves some ambiguity as to the overlap between how the lower court resolved Stumpf's due process challenge to his conviction and how it resolved his challenge to his sentence. It is not clear whether the Court of Appeals would have found Stumpf entitled to resentencing had it not also considered the conviction invalid. Likewise, the parties' briefing here, and the question on which this Court granted certiorari, largely focused on the conviction. In these circumstances, it would be premature for this Court to resolve the merits of Stumpf's sentencing claim before giving the Sixth Circuit the opportunity to consider in the first instance the question of how the prosecutor's conduct in the Stumpf and Wesley cases related to Stumpf's death sentence in particular. Pp. 11–12.

367 F. 3d 594, reversed in part, vacated in part, and remanded.

O'CONNOR, J., delivered the opinion for a unanimous Court. SOUTER, J., filed a concurring opinion in which GINSBURG, J., joined. THOMAS, J., filed a concurring opinion, in which SCALIA, J., joined.