

05-785 CAREY V. MUSLADIN

DECISION BELOW:427 F3d 653

LOWER COURT CASE NUMBER: 03-16653

QUESTIONS PRESENTED:

In the absence of controlling Supreme Court law, did the Court of Appeals for the Ninth Circuit exceed its authority under 28 U.S.C. § 2254(d)(1) by overturning respondent's state conviction of murder on the ground that the courtroom spectators included three family members of the victim who wore buttons depicting the deceased?

Cert. Granted 4/17/2006