

08-559 McDANIEL V. BROWN

DECISION BELOW:525 F.3d 787

LOWER COURT CASE NUMBER: 07-15592

QUESTIONS PRESENTED:

1. What is the standard of review for a federal habeas court for analyzing a sufficiency-of-the-evidence claim under the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA)?
2. Does analysis of a sufficiency-of-the-evidence claim pursuant to Jackson u. Virginia, 443 U.S. 307, 318-19 (1979), under 28 U.S.C. § 2254(d)(1) permit a federal habeas court to expand the record or consider nonrecord evidence to determine the reliability of testimony and evidence given at trial?

CERT. GRANTED 1/26/2009