

**Update: Bell v. Kelly**  
**July 17, 2008**

The U.S. Supreme Court announced on May 12, 2008, that it would hear the appeal of Edward N. Bell, who was convicted and sentenced to death in Virginia for the murder of police officer, Sgt. Ricky Timbrook. His execution is stayed. The question the high court will address is whether the Fourth Circuit erred in the way it applied 28 U.S.C. 2254(d). At issue is how federal courts evaluate ineffective assistance of counsel claims when new evidence is available for analysis at the federal appeal. Can federal appeals courts defer to some prior rulings of state courts, or will more be required? What will be the standard of federal review in applying Strickland?

Psychosocial testimony and mental health claims commonly arise as the new evidence in this context as alleged proof of ineffective assistance of counsel. The federal district court denied Bell's request for appointment of two mental health experts to assist in the appeal. What, if anything, the high court may say about that issue is unclear.

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