

STATEMENT OF ISSUES

- I. WHETHER THE CRIMINAL TRIAL COURT COMMITTED REVERSIBLE ERROR IN FAILING TO GIVE THE JURY JURY INSTRUCTION REQUIRING CORROBORATION OF AN ACCOMPLICE'S TESTIMONY?

The trial court did not directly address this issue. Rather, the trial court found Smith wasn't prejudiced by counsel's failure to request the jury instruction on corroboration. SR 226.

- II. WHETHER SMITH IS ENTITLED TO HABEAS CORPUS RELIEF UPON THE GROUND HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL IN HIS FIRST HABEAS CORPUS CASE?

The trial court held that Smith did not show that he was prejudiced by his attorney's representation. the defense. SR 82, 224-225.

- III. WHETHER SMITH IS ENTITLED TO HABEAS CORPUS RELIEF UPON THE GROUND HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL IN HIS SECOND HABEAS CORPUS CASE?

The trial court held that counsel's performance was not deficient, nor did Smith show that he was prejudiced by counsel's performance. SR 89-90, 227.