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**In the
Indiana Supreme Court**



No. 32S01-1704-PC-226

COREY MIDDLETON,

Appellant (Petitioner below),

v.

STATE OF INDIANA,

Appellee (Respondent below).

Appeal from the Hendricks Superior Court, No. 32D02-1502-PC-3
The Honorable Rhett Stuard, Judge

On Petition to Transfer from the Indiana Court of Appeals, No. 32A01-1603-PC-592

April 21, 2017

Per Curiam.

Corey Middleton filed a petition for post-conviction relief, alleging several claims of ineffective assistance of trial counsel. The post-conviction court denied Middleton’s petition, and the Court of Appeals affirmed. Middleton v. State, 64 N.E.3d 895 (Ind. Ct. App. 2016), *reh’g denied*. In so doing, the court determined Middleton’s counsel performed deficiently as to one of Middleton’s claims. Id. at 903. But the court ultimately rejected that claim, finding Middleton had “not established that but for counsel’s error, the result of the proceeding would have been

different.” Id. at 902. Middleton seeks transfer, contending, among other things, that the Court of Appeals applied the incorrect standard in making this assessment.

We agree with our colleagues’ ultimate resolution of Middleton’s claims. We note, however, that to demonstrate prejudice from counsel’s deficient performance, a petitioner need only show “a *reasonable probability* that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Strickland v. Washington, 466 U.S. 668, 694 (1984) (emphasis added). “A reasonable probability is a probability sufficient to undermine confidence in the outcome.” Id. *See, e.g.*, Campbell v. State, 19 N.E.3d 271, 274 (Ind. 2014); Wilkes v. State, 984 N.E.2d 1236, 1241 (Ind. 2013) (quoting Strickland).

Accordingly, we grant transfer and summarily affirm the Court of Appeals opinion pursuant to Indiana Appellate Rule 58(A), with the exception of its misstatement of Strickland’s prejudice standard.

All Justices concur.