

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EDWARD KERMIT RICHARDS	:	
	:	
v.	:	CIVIL NO. CCB-16-3821
	:	Criminal No. CCB-14-0385
UNITED STATES OF AMERICA	:	
	:	
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MEMORANDUM

Federal prison inmate Edward Kermit Richards, who was allowed to enter an agreed-upon plea under Fed. R. Crim. P. 11(c)(1)(C) to a lesser-included offense of the narcotics conspiracy for which he was on trial, now has filed a motion to vacate under 28 U.S.C. § 2255. The government has responded, and Richards has replied. The motion will be denied, essentially for the reasons thoroughly explained by the government, because Richards has failed to show either deficient performance by his experienced trial counsel or any prejudice. *Hill v. Lockhart*, 474 U.S. 52 (1985); *Strickland v. Washington*, 466 U.S. 668 (1984).

First, Richards was not entitled to a mitigating role adjustment either under his c-plea or on the facts of the case. Any failure by defense counsel to inform him of Amendment 794 has no relevance.

Second, the record shows that Richards's entry of his plea was intelligent and voluntary. (Gov't Resp., Ex. A, Plea Transcript). He admitted under oath facts which sustain the conviction and demonstrate that his role in the offense was significant. And third, the potential cross-examination of one of the government's witnesses was a right knowingly waived at the plea hearing, and in any event very unlikely to have affected the outcome of the trial, had it proceeded.

Finally, Richards's claims of violations of the attorney-client privilege by his two prior counsel, related to attendance at a reverse proffer and a "no comment" remark to the newspaper are both meritless and procedurally defaulted.

Accordingly, no certificate of appealability will issue, and the motion will be denied by separate Order which follows.

July 27, 2017
Date

/S/
Catherine C. Blake
United States District Judge