sues to raise on appeal.[331] In *Strickland* itself, the allegation of ineffective assistance failed: The Court found that the defense attorney's decision to forgo character and psychological evidence in a capital sentencing proceeding to avoid rebuttal evidence of the defendant's criminal history was "the result of reasonable professional judgment." [332]

On the other hand, defense counsel does have a general duty to investigate a defendant's background, and limiting investigation and presentation of mitigating evidence must be supported by reasonable efforts and judgment.[333] Also, even though deference to counsel's choices may seem particularly apt in the unstructured, often style-driven arena of plea bargaining,[334]an accused, in considering a plea, is clearly entitled to advice of counsel on the prospect of conviction at trial and the extent of punishment that might be imposed. Thus, in *Lafler v. Cooper*, the government conceded that the deficient representation part of the *Strickland* test was met when an attorney erroneously advised the defendant during plea negotiations that the facts in his case would not support a conviction for attempted murder.[335]

Moreover, in *Padilla v. Kentucky*, the Court held that defense counsel's Sixth Amendment duty to a client considering a plea goes beyond advice on issues directly before the criminal court to reach

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[331] There is no obligation to present on appeal all nonfrivolous issues requested by the defendant. Jones v. Barnes, 463 U.S. 745 (1983) (appointed counsel may exercise his professional judgment in determining which issues are best raised on appeal).

[332] 466 U.S. at 699. *Accord* Wong v. Belmontes, 558 U.S. ___, No. 08–1263 (2009) (per curiam); Darden v. Wainwright, 477 U.S. 168 (1986) (decision not to introduce mitigating evidence).

[333] *See* Wiggins v. Smith, 539 U.S. 510 (2003) (attorney's failure to pursue defendant's personal history and present important mitigating evidence at capital sentencing was objectively unreasonable); Rompilla v. Beard, 545 U.S. 374 (2005) (attorneys' failure to consult trial transcripts from a prior conviction that the attorneys knew the prosecution would rely on in arguing for the death penalty was inadequate); Porter v. McCollum, 558 U.S. ___, No. 08–10537, slip op. (2009) (per curiam) (attorney's failure to interview witnesses or search records in preparation for penalty phase of capital murder trial constituted ineffective assistance of counsel); *See also*, Sears v. Upton, 561 U.S. ___, No. 09–8854, slip op. (2010); Cullen v. Pinholster, 563 U.S. ___, No. 09–1088, slip op. (2011) (Sotomayor, J. dissenting). *See also* Hinton v. Alabama, 571 U.S. ___, No. 13–6440, slip op. (2014) (per curiam) (attorney's hiring of a questionably competent expert witness because of a mistaken belief of the legal limit on the amount of funds payable on behalf of an indigent defendant constitutes ineffective assistance).

[334] *See, e.g.*, Premo v. Moore, 562 U.S. ___, No. 09–658, slip op. (2011).

[335] Lafler v. Cooper, 566 U.S. ___, No. 10–209, slip op. (2012). Failure to communicate a plea offer to a defendant also may amount to deficient representation. Missouri v. Frye, 566 U.S. ___, No. 10–444, slip op. (2012) ("[A]s a general rule, defense counsel has the duty to communicate formal offers from the prosecution to accept a plea on terms and conditions that may be favorable to the accused.").