NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

GILMORE *v.* TAYLOR

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 91–1738. Argued March 2, 1993—Decided June 7, 1993

At his trial in Illinois state court, respondent Taylor admitted the killing with which he was charged, but presented evidence to support his claim that he was only guilty of voluntary manslaughter. The jury received instructions modeled after the state pattern instructions on murder and voluntary manslaughter and convicted Taylor of murder. After the conviction and sentence became final, he sought federal habeas relief on the ground that the jury instructions violated the Fourteenth Amendment's Due Process Clause. While his case was pending, the Court of Appeals, relying on *Cupp* v. *Naughton,* 414 U. S. 141, held as much, finding that because the pattern murder instructions preceded the voluntary-manslaughter instructions, but did not expressly direct a jury that it could not return a murder conviction if it found that a defendant possessed a mitigating mental state, it was possible for a jury to find that a defendant was guilty of murder without even considering whether he was entitled to a voluntary-manslaughter conviction. *Falconer* v. *Lane,* 905 F. 2d 1129. The State conceded that Taylor's jury instructions were unconstitutional, but argued that the *Falconer* rule was ``new'' within the meaning of *Teague* v. *Lane,* 489 U. S. 288, and could not form the basis for federal habeas relief. The District Court agreed, but the Court of Appeals reversed, concluding that *Boyde* v. *California*, 494 U. S. 370, and *Connecticut* v. *Johnson,* 460 U. S. 73 (plurality opinion), rather than *Cupp,* were specific enough to have compelled the result in *Falconer.*

Held: The *Falconer* rule is ``new'' within the meaning of *Teague* and may not provide the basis for federal habeas relief. Pp. 5–12.

(a) Subject to two narrow exceptions, a case that is decided after a defendant's conviction and sentence become final may

not provide the basis for federal habeas relief if it announces a new rule, *i.e.,* a result that was not dictated by precedent at the time the defendant's conviction became final. This principle validates reasonable, good-faith interpretations of existing precedents made by state courts and therefore effectuates the States' interest in the finality of criminal convictions and fosters comity between federal and state courts. Pp. 5–6.

Syllabus

(b) The flaw found in *Falconer* was not that the instructions somehow lessened the State's burden of proof below that constitutionally required by cases such as *In re Winship,* 397 U. S. 358, but rather that the instructions prevented the jury from considering evidence of an affirmative defense. Cases following *Cupp* in the *Winship* line establish that States must prove guilt beyond a reasonable doubt with respect to every element of the offense charged, but may place on defendants the burden of proving affirmative defenses, see *Martin* v. *Ohio,* 480 U. S. 228; *Patterson* v. *New York,* 432 U. S. 197, and, thus, make clear that *Cupp* is an unlikely progenitor of the *Falconer* rule. Nor do the other cases cited by the Court of Appeals dictate the *Falconer* result. *Boyde, supra*—in which the Court clarified the standard for reviewing on habeas a claim that ambiguous instructions impermissibly restricted a jury's consideration of constitutionally relevant evidence—was a capital case, with respect to which the Eighth Amendment requires a greater degree of accuracy and fact finding than in noncapital cases. In contrast, in noncapital cases, instructions containing state-law errors may not form the basis for federal habeas relief, *Estelle* v. *McGuire,* 502 U. S. ___, and there is no counterpart to the Eighth Amendment's doctrine of constitutionally relevant evidence in capital cases. *Connecticut* v. *Johnson, supra,* and *Sandstrom* v. *Montana,* 442 U. S. 510, which it discusses, flow from *Winship*'s due process guarantee, which does not apply to affirmative defenses. The jury's failure to consider Taylor's affirmative defense is not a violation of his due process right to present a complete defense, since the cases involving that right have dealt only with the exclusion of evidence and the testimony of defense witnesses, and since Taylor's expansive reading of these cases would nullify the rule reaffirmed in *Estelle* v. *McGuire, supra.* Pp. 6–10.

(c) The *Falconer* rule does not fall into either of *Teague*'s exceptions. The rule does not ``decriminalize'' any class of conduct or fall into that small core of rules requiring observance of those procedures that are implicit in the concept of ordered liberty. Pp. 10–12.

954 F. 2d 441, reversed.

REHNQUIST, C. J., delivered the opinion of the Court, in which SCALIA, KENNEDY, and THOMAS, JJ., joined, and in all but n. 3 of which SOUTER, J., joined. O'CONNOR, J., filed an opinion concurring in the judgment, in which WHITE, J., joined. BLACKMUN, J., filed a dissenting opinion, in which STEVENS, J., joined.