

A little less stiff, and no tangents, please.

Our writing guru, Joseph Kimble, goes after some common blemishes. In the original opinion, he notes, the second half of the first sentence seems pointless. So does the third sentence, since the petitioner's time for a direct review ended in 2008. The Redlined version keeps both to make some editing points, but they are omitted — and other adjustments are made — in the revised (Better) version below.

Original

The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”), which was enacted on April 24, 1996, requires that federal courts give greater deference to a state court’s legal determinations. The AEDPA also amended 28 U.S.C. section 2244, to require that a strict one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a state court. However, if direct review of a criminal conviction ended prior to the AEDPA’s effective date, a prisoner has one year subsequent to the April 24, 1996 effective date to properly file a habeas action. *Burns v. Morton*, 134 F. 3d 109, 111 (3d Cir. 1998). In this case, the applicable starting point to examine the limitation period is the latest date on which the judgment of sentence became final, either by the conclusion of direct review or the expiration of the time for seeking such review. See 28 U.S.C. § 2244(d)(1).

Better

The Antiterrorism and Effective Death Penalty Act of 1996 amended 28 U.S.C. § 2244 to set a strict one-year limitation period to apply for a writ of habeas corpus by a person in custody under a state-court judgment. For convictions after 1996, as in this case, the starting point to examine [determine?] the limitation period is the latest date on which the judgment of sentence became final — either because the direct review ended or because the time for seeking it expired. See 28 U.S.C. § 2244(d)(1).

Redlined

The Antiterrorism and Effective Death Penalty Act of 1996 (~~“AEDPA”~~¹), which was enacted on April 24, 1996², requires that federal courts give greater deference to a state court’s ~~legal~~³ determinations. ~~The AEDPA~~⁴ also amended 28 U.S.C. section 2244⁵, to require that a strict one-year period of limitation shall apply⁶ to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a state-court. However, if direct review of a criminal conviction ended prior⁷ to the AEDPA’s April 24, 1996⁸ effective date, a prisoner has one year subsequent⁹ to the April 24, 1996¹⁰ effective date to properly¹¹ file a habeas action. *Burns v. Morton*, 134 F. 3d 109, 111 (3d Cir. 1998). In this case, the applicable¹² starting point to examine the limitation period is the latest date on which the judgment of sentence became final¹³, either by the conclusion¹⁴ of direct review or because¹⁵ it¹⁶ expired¹⁷. The expiration¹⁸ of the time for seeking such review. See 28 U.S.C. § 2244(d)(1).

1. No need to create this ugly initialism. The opinion mentions a state statute and this federal statute. If there’s any confusion about a later reference, this one could be “the federal Act.”
2. Unnecessary at this point.
3. Fear not pronouns — as long as the antecedent is clear.
4. An unnecessary comma.
5. Prefer verb forms to nouns. (Besides, the doubling of *apply* and *application* is infelicitous.)
6. Hard-core legalese. Strongly prefer *under*, which usually works fine.
7. An unnecessary prepositional phrase. Watch for the word *of* as a tip-off.
8. *But* is almost always better as a sentence-starter.
9. A pox on *prior to*.
10. Likewise, *subsequent to*.