NOT FOR PUBLICATION

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U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JONATHAN JOE SKENANDORE, also known as Jonathan Haber Skenandore, Petitioner - Appellee, v. JEREMY BEAN; CHARLES DANIELS; ATTORNEY GENERAL OF THE STATE OF NEVADA, Respondents - Appellants.	No. 25-3475 D.C. No. 3:21-cv-00330-ART-CSD MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Anne R. Traum, District Judge, Presiding

Argued and Submitted August 10, 2026
Reno, Nevada

Before: OWENS, FORREST, and VANDYKE, Circuit Judges.

Respondents-Appellants, State of Nevada officials, appeal from the district court's conditional grant of a writ of habeas corpus to Petitioner-Appellee Jonathan Skenandore. We have jurisdiction under 28 U.S.C. §§ 1291, 2253, and we reverse.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

We review de novo a district court's decision to grant or deny a habeas petition. *Lambert v. Blodgett*, 393 F.3d 943, 964 (9th Cir. 2004). The writ of habeas corpus is an "extraordinary remedy," *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022) (citation omitted), and a federal court may only grant a writ if the state's adjudication of a claim (1) "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States" or (2) "resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d).

The state court's decision here was not contrary to clearly established federal law, and the factual record demonstrates that the state court reasonably concluded that Skenandore voluntarily and knowingly entered his plea.

"[T]he constitutional prerequisites of a valid plea" merely require "that the nature of the charge and the elements of the crime [be] explained to the defendant by his own, competent counsel." *Bradshaw v. Stumpf*, 545 U.S. 175, 183 (2005). Here, the record contains numerous and express representations that Skenadore's attorney explained the elements of the charges to which Skenandore pleaded guilty and that Skenandore knew and understood those elements. Skenandore's attorney certified that he had "fully explained to [Skenandore] the allegations contained in the charge to which guilty pleas [were]

entered" and that "[a]ll pleas of guilty offered by [Skenandore] pursuant to this agreement [were] consistent with the facts known." In the written plea agreement, Skenandore certified that he "under[stood] the nature of the charge against [him]," and that "all of the foregoing elements … ha[d] been thoroughly explained to [him] by [his] attorney." At his subsequent plea colloquy, Skenandore testified that he had read the plea agreement, he understood the charges, his attorney had answered all his questions concerning the charges, and that he committed the acts described in the second amended information. And he testified during his 2018 evidentiary hearing that his trial counsel had specifically discussed the concept of implied malice with him while reviewing the plea agreement (although he then claimed not to have understood, contrary to his statements during the plea colloquy).

Ultimately, the state court reasonably determined that, based on the totality of the circumstances, Skenandore's plea was voluntary.

That the second amended information did not plead that Skenandore acted with implied malice is of no consequence. The Supreme Court has expressly disclaimed procedural requirements beyond "that the nature of the charge and the elements of the crime [be] explained to the defendant by his own, competent counsel." *Id.*; *see also Henderson v. Morgan*, 426 U.S. 637, 647 (1976). The Supreme Court has also rejected the suggestion that due process requires the record to "contain a complete enumeration of the elements of the offense to which an

accused person pleads guilty." *Henderson*, 426 U.S. at 646–47. And the Supreme Court has "never held that the judge must himself explain the elements of each charge to the defendant on the record." *Bradshaw*, 545 U.S. at 183.

Skenandore's argument that his comments at the plea hearing demonstrate that his understanding was limited to felony murder and did not include second-degree murder is a non sequitur. Within the context of a fictitious plea agreement, the plea of conviction will always differ to some extent from the factual details describing the reality of what occurred. *See* Thea Johnson, *Fictional Pleas*, 94 Ind. L.J. 855, 860–61 (2019). The record evidence shows that Skenandore expressly certified that he understood the fictitious charge of second-degree murder to which he pled guilty and certified that his attorney had "thoroughly explained" all the elements on that charge. The Nevada Court of Appeals conclusion that Skenandore's guilty plea was knowing and voluntary was not contrary to any clearly established law was based on a reasonable determination of the facts in the record.

REVERSED.