

The application of sixth amendment in felony cases essay examples

[Law](#), [Criminal Justice](#)



Citation: 372 U. S. 335 (1963)

Facts: The defendant in this case, Clarence Earl Gideon, was charged in a Florida trial court with a felony and consequently convicted to a five year jail term. He was alleged to have entered into a Bay Harbor Pool Room in Panama City, Florida with the intent of committing a misdemeanor. When he was taken in court for trial, he requested to be availed an attorney as he could not afford one. However, the Florida court refused him an attorney in accordance with the state law rather stating that only indigent persons facing capital charges were entitled to an attorney. As a result, Gideon represented himself in the trial and was found guilty by the court and convicted to a five years jail term.

Procedural History: following his conviction by the Florida court, Gideon was incarcerated in prison. He subsequently filed for an order of habeas corpus in the Florida Supreme Court of which he was denied. Following his stay at the Florida State prison cells, he made use of the library in the prison and writing in pencil on prison stationery and appealed to the United States Supreme Court. He filed the appeal alleging that his constitutional right to counsel as provided for in the Sixth Amendment had been violated for failure to accord him an attorney during trial. The Supreme Court assigned Gideon an attorney and proceeded to hear the appeal.

Issue: the issue before the court was whether the right to an attorney as availed by the Sixth Amendment to the Constitution in criminal cases applied to defendants charged with felonies in the states courts?

Rule(s) applied: The court applied the Sixth Amendment to the constitution as read with the Fourteen Amendment (Due Process Clause).

Analysis:

The Supreme Court held that the right to counsel in criminal cases was of paramount significance and could not be abridged. The justices by a majority also stated that the same provision of the right to counsel as provided in the Sixth Amendment applied to state courts by virtue of the Fourteenth Amendment. They were of the view that the framers of the constitution placed a high premium on the right of an accused person to have a proper defense and as such, this right must be jealously guarded by the courts. Further, the court found that the right to have counsel in criminal cases was consistent with the constitution and it was thus within the law to demand the state courts to appoint an attorney for an indigent defendant in criminal cases. On his part, Justice William Douglas stated that the Fourteenth Amendment did not apply a diluted version of the Bill of Rights to the states. He further averred that since constitutional issues are always open for consideration by the courts, there is no reason for the asserting of a rule relating to the relationship between the Fourteenth Amendment and the Bill of Rights. While concurring with the opinion of the majority, Justice Tom C. Clark gave the reasoning that the constitution offered the guarantee of the right to counsel as a protection measure for due process. He, therefore, argued that there was absolutely no reason or basis as to why that application of the constitution would apply to particular cases and not others.

Conclusion: The Supreme Court by a majority opinion of 9-0 ruled that the state courts are required to appoint an attorney for indigent persons in criminal cases in accordance with the Fourteenth Amendment. While being

represented by an appointed counsel, Gideon was trained and acquitted of the charges.

My clear perspective on the decision of the Supreme Court is that the decision provided for fairness in the judicial process. Usually, indigent persons are unable to afford the high costs of legal services. Most of the times, they are, therefore, out on trial without any attorney while the state is usually represented by a prosecutor who is well versed in matters of law. Taking into account that the legal system is adversarial, it becomes imperative for both parties to have right to counsel. The opinion of Justice Hugo Black in this respect is instructive. Black stated that the fact that government hires lawyers to prosecute and defendants who have money hire lawyers to defend are clear indicators of the commonly held belief that lawyers in criminal courts are necessities and not luxuries. The court also noted the fact the American legal system is adversarial which meant that the state employed enormous resources at its disposal to establish the guilt of the defendant before the defendant is given a chance to prove his innocence in a court of law. Consequently, it would only be fair if both parties have a right to an attorney. In addition, the court expressed its opinion on this issue by stating that even the intelligent and the educated laymen have small or no skill on the science of the law and that therefore the right to an attorney is essential and fundamental to enable fair trials.

The jurisprudence espoused by the Supreme Court which I find compelling and adding to the achievement of fairness in the judicial process is the ruling that the Sixth Amendment on right to counsel also applied to the state courts. In this respect, the Supreme Court noted that this provision also

applied to the state courts and not the federal courts alone, since just like the federal government, they are bound by the Due Process Clause provided in the Fourteenth Amendment. The innovative way by which the Supreme Court interpreted the Sixth and the Fourteenth Amendment as well as its reasoning acted to undergird the rights of indigent persons who have no access to attorneys as other defendants. Indeed, it would be ludicrous were the poor to be dragged through the grueling process of a criminal trial where they have no representation of an attorney yet their rights are being abridged.

If the Supreme Court had ruled in a different way to the effect that the Sixth Amendment did not apply to the state courts, the indigent person would suffer and a serious miscarriage of justice would have been occasioned. The effect of this would be several persons who cannot afford lawyers being incarcerated for crimes they did not commit owing to lack of proper legal representation. It is notable that the Supreme Court expanded on its earlier ruling in *Powell v Alabama* which suggested that the right to an attorney only applied to capital offences. The Supreme Court effectively overruled the case of *Betts v Brady* which had held that there was no need for a defendant to have an appointed attorney in state courts unless there were special circumstances.

References

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