

American constitution law 4 paper

Law



CASE: Scott v. Illinois, 440 U. S. 367 (1979) of Learning CASE: Scott v. Illinois, 440 U. S. 367 (1979) Facts: After being denied the right to appointed state counsel at his expense the appellant (Scott) was convicted of the offense of shoplifting (merchandise worth less than \$150) after a bench trial in the Circuit Court of Cook County and fined \$50. The statute penalty set for such an offense was a fine of \$500 or one year in jail or both.

Procedural History: The appellant appealed after being denied the right to appointed state counsel at his expense and was convicted of the offense of shoplifting (merchandise worth less than \$150) after a bench trial in the Circuit Court of Cook County and fined \$50. In his appeal the appellant argued that the state of Illinois was under a duty to provide him with a trial counsel at his expense as dictated by the Sixth and Fourteenth Amendments to the Constitution. The Illinois intermediate appellate court affirmed the conviction by the Circuit Court. The Supreme Court of the state of Illinois also rejected the appellant's argument and stated that it wasn't obligated to extend its decision in *Argersinger v Hamlin* (1972) to the case. Although the appellant was charged with an offense for which imprisonment was authorized upon conviction, the appellant had only been fined \$50 instead of imprisonment.

Judgment: the appellant further lodged his appeal in the Supreme Court of United States. In its judgment the court affirmed the Supreme Court of Illinois' decision that the Constitution of the United States of America did not require the Circuit Court of Cook County to appoint a state counsel for the petitioner (Scott).

Legal issues Presented;

Do all defendants accused in a state criminal proceedings have the

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entitlement to appointment of a state counsel?

Did the refusal to appoint a state counsel for the accused violate the due process provisions in the sixth and fourteenth Amendments to the Federal constitution?

Holding (Justice Rehnquist): No: The sixth and fourteenth Amendments only stipulate that no defendant can be sentenced to imprisonment unless he has been accorded the right to appointment of a counsel to defend him by the state. The appellant's liberty was not at stake in this case because the state court had preferred the less severe sanction of imposing a fine to the severe one imprisonment so the appointment of a counsel was not necessary.

Rule of law: The sixth and fourteenth Amendments only stipulate that no defendant can be sentenced to imprisonment unless he has been accorded the right to appointment of a counsel to defend him by the state.

Rationale: The decision in *Argersinger v Hamlin* (1972) limited the constitutional right to appointment of counsel.

Concurring (Justice Powell): Held that it was important for the federal Supreme Court to provide a clear guidance to the many courts in all parts of the country that confronted the problem of legal representation daily.

Dissenting (Justice Brennan): Held that the Illinois Supreme Court's decision should be reversed because the right to counsel in the 6th and 14th Amendments was applicable to all defendants.

Reference

Scott v. Illinois, 440 U. S. 367, 99S. Ct. 1158, 59L. Ed. 2d 383 (1979).