

# Sixth amendment rights and how it applies to the right to counsel in respect to e...

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## **The Sixth Amendment**

Based on the Sixth Amendment to the United States Constitution, it reads, “ in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense” . Notice that in that summary of the sixth amendment, nothing was mentioned about protection of people with disability when it comes to prosecutions and other forms of legal proceedings.

However, the constitution does say that the rights given to an individual as mentioned in the sixth amendment are applicable to any individual involved in all or any form of criminal prosecutions. This would, of course, automatically include people who have disabilities, functional impairments, or physical and or mental handicaps . However, this is not to say that the legal proceedings for people with psychological conditions will be exactly similar to the set of legal proceedings that an individual without such conditions because oftentimes, people with psychological conditions are prosecuted differently.

## **Faretta v. California**

Defendant Anthony Faretta was accused of committing grand theft in one of the areas covered by the Los Angeles Country, California. He was convicted

and as a result, was forced to undergo trial. Before the trial began, he filed a motion to the court requesting that he be allowed to deny any form of external legal counsel, even one coming from the public defenders' office, and allow him to represent himself. The assigned judge at the time warned the defendant that he was making a mistake but the defendant nonetheless insisted on his decision. He was initially allowed to represent himself before the court and jury. However, after a few weeks, the case judge initiated an inquiry about Faretta's ability to defend and represent himself.

He questioned the defendant's knowledge about some of the basic and fundamental principles of being a lawyer which the defendant failed to convincingly answer. As a result, the judge ruled he does not have the constitutional right to represent himself, even though the sixth amendment to the U. S. constitution says otherwise. The defendant rescinded his previous decision and assigned a lawyer to represent him in the case proceedings. The trial ended with him being judged as guilty and with a sentence of life imprisonment .

This case focuses on the self-representation rights given to an individual based on the sixth amendment. In Faretta's case, the court unconstitutionally prevented him from exercising such right.

### **McKaskle v. Wiggins**

This, again, was a case about the constitutionality of prose or the provision under the sixth amendment that allows individuals to represent themselves and deny legal counsel by a lawyer. Wiggins, the defendant, was convicted for a case of Robbery and was initially sentenced to life imprisonment. The

initial sentence was overturned because of Wiggins' appeal to the Supreme Court citing technical issues in the court proceedings as the main reason why the decision should be overturned.

He was awarded with a second trial, in which, a standby legal counsel was appointed so that he could seek help whenever he thinks he needs to at any point during the trial. However, at many points during the trial, he allegedly changed the role of the standby counsel's role, confusing everyone, even the judge handling the case . The sentence was the same on the second trial. He appealed again for another trial citing the same reason he used in his first appeal but was denied.

### **Indiana v. Edwards**

In this case, the court recognized that for individuals to effectively defend and represent themselves in legal proceedings, they should follow an established level of competency with a rational and factual understanding of the process and nature of legal proceedings, as evidenced by the provisions of the sixth amendment. Edwards, however, who was convicted of robbery when he tried to steal a pair of shoes from a commercial store in Indiana, and even involving himself in a firefight against the store security personnel when he was caught in the act, suffers from a mental condition called Schizophrenia. Initially, he was deemed not competent to undergo trial and so he was forced to undergo psychological treatment in a state mental health facility.

After a few months, despite the fact that he was still suffering from the disease, it was ruled that he was already competent to face trial, but his

lawyers continuously asked for another set of competency evaluation tests, the results of which supported their claim that Edwards was indeed not competent to face trial. When he was finally considered competent to stand trial, he asked the court to allow him to represent himself, citing the provisions of the sixth amendment as the basis for his appeal. His appeal was denied and was convicted with battery charges and murder .

## **Conclusion**

The analyses of the cases involving the defendants' attempts to exercise their right to self-representation as described by the sixth amendment shows that this right is not always honored, especially when the person requesting for the utilization of such right is suffering from a mental health condition, or if the person simply does not understand how the court proceedings work. In such cases, the individual might still appeal for court to give them permission to exercise such right although there is no guarantee that their previous decision will be overturned.

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