

Gideon v. Wainwright, 372 U.S. 335 (1963)

Condensed Case



Noclip, Supreme Court Front Dusk, Wikimedia, April 1, 2008.

The Big Picture

States must provide counsel to indigent defendants in criminal cases.

Ruling

The failure to appoint counsel to an indigent defendant in a criminal case denies the defendant a fair trial and the fundamental right to counsel.

Constitutional Text

The Sixth Amendment 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*

OPINION OF THE COURT:

[Gideon was charged with breaking and entering, a felony under Florida law]. Appearing in court without funds and without a lawyer, [Gideon] asked the court to appoint counsel for him, whereupon the following [exchange] took place:

“The COURT: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case.

“The DEFENDANT: The United States Supreme Court says I am entitled to be represented by Counsel.”

[In front of a jury], Gideon conducted his [own] defense. He made an opening statement to the jury, cross-examined the State's witnesses, presented witnesses in his own defense, declined to testify himself, and made a short argument “emphasizing his innocence to the charge contained in the Information filed in this case.” [He was found guilty and sentenced to five years in prison].

[Gideon appealed] his conviction and sentence on the ground that the trial court's refusal to appoint counsel for him denied him rights “guaranteed by the Constitution and the Bill of Rights by the United States Government.” Since Gideon was proceeding in *forma pauperis*, we appointed counsel to represent him [in front of the United States Supreme Court].

The Sixth Amendment provides, “In all criminal prosecutions, the accused shall enjoy the right * * * to have the Assistance of Counsel for his defence.” We have construed this to mean that in federal courts counsel must be provided for defendants unable to employ



process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Dissenting Opinion

There was no dissenting opinion filed in this case.

counsel unless the right is competently and intelligently waived. [The question now is] “whether the constraint laid by the amendment upon the [federal] courts expresses a rule so fundamental and essential to a fair trial, and so, to due process of law, that it is made obligatory upon the states by the Fourteenth Amendment.”

[Prior caselaw and] reflection require us to recognize that in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.

Governments, both state and federal, spend vast sums of money to establish machinery to try defendants accused of crime. [Prosecutors everywhere are] deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. A defendant's need for a lawyer is nowhere better stated than in the moving words of Mr. Justice Sutherland in *Powell v. Alabama*:

“[Even] the intelligent and educated layman has small and sometimes no skill in the science of law . . . Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.”

[Our prior decision in *Betts v. Brady* denying a defendant the right to counsel in state court] was “an anachronism when handed down” and [is] now overruled.

