**GIDEON versus WAINWRIGHT (1963)**

***(Right to Counsel / 6th Amendment)***

**Background:**

Between midnight and 8:00 a.m. on June 3, 1961, a burglary occurred at the Bay Harbor Pool Room in [Panama City](https://en.wikipedia.org/wiki/Panama_City,_Florida), [Florida](https://en.wikipedia.org/wiki/Florida). An unknown person broke a door, smashed a cigarette machine and a record player, and stole money from a cash register. Later that day, a witness reported that he had seen [Clarence Earl Gideon](https://en.wikipedia.org/wiki/Clarence_Earl_Gideon) in the poolroom at around 5:30 that morning, leaving with a wine bottle and money in his pockets. Based on this accusation alone, the police arrested Gideon and charged him with breaking and entering with intent to commit petty [larceny](https://en.wikipedia.org/wiki/Larceny).

Gideon appeared in court alone as he was too poor to afford counsel, whereupon the following conversation took place:

The Florida court declined to appoint counsel for Gideon. As a result, he was forced to act as his own counsel and conduct his own defense in court, emphasizing his innocence in the case. At the conclusion of the trial the jury returned a guilty verdict. The court sentenced Gideon to serve five years in the state prison.

From the cell at [Florida State Prison](https://en.wikipedia.org/wiki/Florida_State_Prison), making use of the prison library and writing in pencil on prison stationery, Gideon appealed to the United States Supreme Court in a suit against the Secretary of the [Florida Department of Corrections](https://en.wikipedia.org/wiki/Florida_Department_of_Corrections), H.G. Cochran. Cochran later retired and was replaced with [Louie L. Wainwright](https://en.wikipedia.org/wiki/Louie_L._Wainwright) before the case was heard by the Supreme Court. ***Gideon argued in his appeal that he had been denied counsel and, therefore, his Sixth Amendment rights, as applied to the states by the***[***Fourteenth Amendment***](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution)***, had been violated.***

**Majority Opinion (Unanimous):**

The Supreme Court's decision was announced on March 18, 1963, and delivered by Justice [Hugo Black](https://en.wikipedia.org/wiki/Hugo_Black). The decision was announced as unanimous in favor of Gideon. Two concurring opinions were written by Justices [Clark](https://en.wikipedia.org/wiki/Tom_C._Clark) and [Douglas](https://en.wikipedia.org/wiki/William_O._Douglas). The Supreme Court decision specifically cited its previous ruling in *Powell v. Alabama.* Whether or not the decision in *Powell v. Alabama* applied to non-capital cases had sparked heated debate. [*Betts v. Brady*](https://en.wikipedia.org/wiki/Betts_v._Brady) had earlier held that, unless certain circumstances were present, such as illiteracy or stupidity of the defendant, or an especially complicated case, there was no need for a court-appointed attorney in state court criminal proceedings. *Betts* had thus provided selective application of the Sixth Amendment right to counsel to the states, depending on the circumstances, as the Sixth Amendment had only been held binding in federal cases. ***Gideon v. Wainwright overruled Betts v. Brady, instead holding that the assistance of counsel, if desired by a defendant who could not afford to hire counsel, was a fundamental right under the United States Constitution, binding on the states, and essential for a fair trial and due process of law regardless of the circumstances of the case.***

Justice Clark's concurring opinion stated that the ***Sixth Amendment to the Constitution does not distinguish between capital and non-capital cases, so legal counsel must be provided for an indigent defendant in all cases.*** Justice Harlan's concurring opinion stated that the mere existence of a serious criminal charge in itself constituted special circumstances requiring the services of counsel at trial.

**Further Extending The Right To Counsel SCOTUS Cases:**

*Gideon v. Wainwright* was one of a series of Supreme Court decisions that confirmed the right of defendants in criminal proceedings, upon request, to have counsel appointed both during trial and on appeal. In the subsequent cases of [*Massiah v. United States*](https://en.wikipedia.org/wiki/Massiah_v._United_States)*,* (1964) and ***Miranda v. Arizona (1966), the Supreme Court further extended the rule to apply even during police interrogation.***

**Other Impacts Based on Decision:**

The decision created and then expanded the need for public defenders, which had previously been rare. Immediately following the decision, Florida required public defenders in all of the state's circuit courts. The need for more public defenders also led to a need to ensure that they were properly trained in criminal defense in order to allow defendants to receive as fair a trial as possible.