



U.S. Gov.



Protection of the 6th Amendment

The Right to Counsel





Lesson 1

Introduction

Recap: The Bill of Rights



1st Amendment – *Freedom of Expression*

2nd Amendment – *Right to Bear Arms*

3rd Amendment – *No Forced Housing or Soldiers*

4th Amendment – *No Unreasonable Search and Seizure*

5th Amendment – *Rights in Criminal Cases*

6th Amendment – *Right to a Fair Trial*

7th Amendment – *Right to a Jury in Civil Cases*

8th Amendment – *No Cruel or Unusual Punishment*

9th Amendment – *Implied Rights*

10th Amendment – *Powers Left to the States*



**In What Ways
Can Your Rights
Be Restricted?**

The background is a solid teal color with a white, hand-drawn style border. In the top-left corner, there is a white line that starts at the top edge, goes right, then diagonals down to a star, and then diagonals down to a sunburst. In the top-right corner, there are two small white stars. In the bottom-right corner, there is a white line that starts at the bottom edge, goes left, then diagonals up to a sunburst, and then diagonals up to three small white stars. In the bottom-center, there is a single white star.

SCOTUS Review

Function of the Supreme Court★

- Established by Article III of the Constitution
- 9 Justices
- Court of highest appeal – Rulings made by the court are final. (Can only be changed by law).
 - Appeal: Process where a higher court reviews a decision made by a lower court.



Judicial Review:

The power of the courts to review and potentially invalidate actions of the other branches of government (legislative and executive) if they are deemed unconstitutional.

★

Key Components of SCOTUS Cases

Facts	<i>The relevant events of a case that occurred before courts became involved</i> • Who, what, when, and where - use proper nouns, BE SPECIFIC
Issue	<i>A legal or Constitutional question(s) the court considers in a case</i> • Must be in the form of a question, end sentences with a ?
Holding	<i>The court's response to the issue being considered in a case</i> • Must answer the question with YES or NO
Reasoning	<i>The court's explanation of a holding</i> • Must answer how the court applied the Constitution or legal principles in its decision
Decision	<i>The outcome of a case that includes a discussion of the facts, issue, holding, and reasoning</i> • Must include the number of justices, e.g. 6-3 or 5-4 in favor of which litigant? • Must restate/summarize the main facts, issue, holding, and reasoning
Opinion	<i>An analysis of the court's decision, written by the justices</i> • Cite meaningful quotes • Focus on the majority opinion, however, may mention dissenting/concurring opinion if relevant to understanding

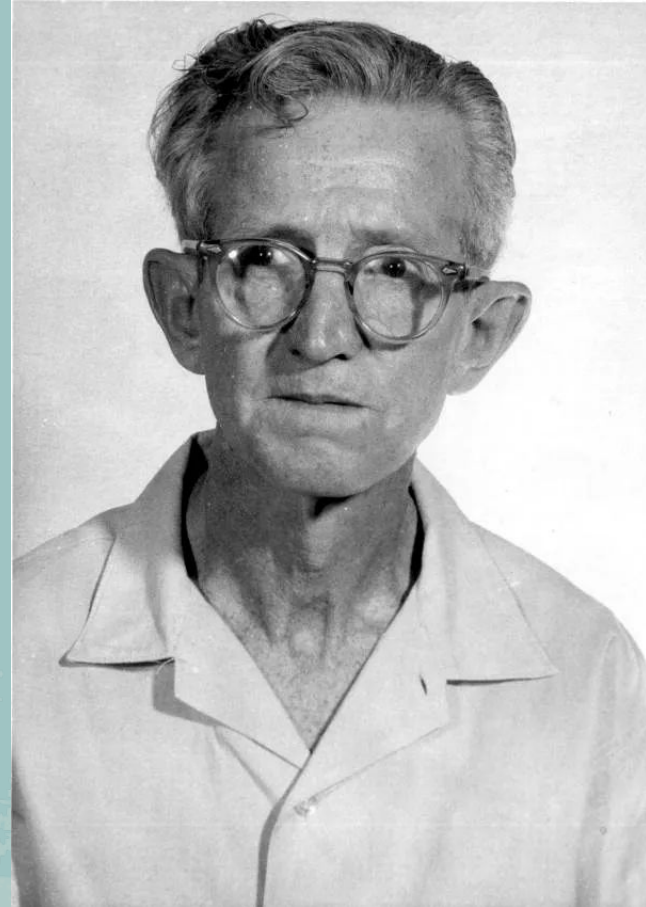
The 6th Amendment



"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 defence.**"



***Gideon
v.
Wainwright
(1963)***



Background



- Clarence Gideon was charged with breaking and entering to commit a misdemeanor, which under Florida Law is a felony.
- Gideon requested an attorney in court because he could not afford representation, but was denied because he was not charged with a capital offense.
- Gideon represented himself at trial, but was found guilty and sentenced to 5 years in prison.
- Gideon petitioned to the Florida Supreme Court that his 6th Amendment right was violated, but his request was denied. Gideon then petitioned to the Supreme Court.



Facts and Ruling



Does the 6th Amendment's right to counsel in criminal cases extend to defendants in state courts?

6th Amendment = Right to an Attorney in criminal cases

14th Amendment = Due Process Clause

Selective Incorporation – Makes the protections of the Bill of Rights applicable to state law.

★ SCOTUS ruled 9-0 for Gideon stating that “assistance of counsel in felony criminal cases is a fundamental right essential to a fair trial.” Thus, the 6th Amendment was incorporated to state courts as well as federal courts.



Persistent Issue & Central Question

Persistent Issue:

What actions are justified in the interest in the welfare or security of the community?

Central Question:

 Does the 6th amendment guarantee a right to a good lawyer?





ESSAY RESPONSE (25 minutes)

Considering your educational experience, what is the reasonable expectation of effectiveness for an educator?

Paragraph 1 – Claim Paragraph

Paragraph 2 – Reason (Evidence) 1

Paragraph 3 – Reason (Evidence) 2

Paragraph 4 – C-E-R (Claim, Evidence, Reasoning)

Be sure to follow the requirements stipulated on the rubric.



Lesson 2

Strickland v Washington and Case Briefs



Do Now (Bellringer)

Answer the following question in your notebook:

What did the ruling of *Gideon v. Wainwright* mean for the right of counsel under the 6th Amendment?



Case Briefs



You and your group are attorneys who represent clients who believe that their 6th amendment right to counsel has been violated.

You will be given a case file of a convicted prospective client that includes the following:

- Case Background
- Client Narrative
- Evidence

Your goal is to make a decision – Was your client's 6th Amendment right to counsel violated?



Is it fair?

REPORT CARD

West Lake High School

Name : Jordan Willis

Semester/ Year : Spring 25

Grade & Section : 12th Grade

SUBJECT	GRADE
English 12 (Ms. Swift)	95
Physics (Mr. Hardy/ Mr. Koe *sub*)	42
Algebra II (Ms. White)	91
US Gov (Mr. Patton)	97
Graphic Design II (Mr. Hughes)	88
Varsity Athletics (Coach Bergh)	100

FINAL GPA :

3.17

- Jordan Willis is a senior in his spring semester at WLHS. Jordan needed a 3.5 GPA to be eligible for an early acceptance writing program at his dream school. Everything was on track, until Mr. Hardy came along.
- Mr. Hardy never gave classwork or homework. Instead, he just posted CrashCourse videos and assigned tests. He never left his desk, arrived late, left early, and wasn't available for help no matter how many emails Jordan sent.
- Halfway through the semester, the teacher was fired, and a substitute took over. The sub tried to help but didn't know what had been taught—and most students were completely lost.
- Jordan's final grade was 42, he wants to appeal to the school board to get this grade expunged from his GPA. They hold his future—and summer plans— in their hands with one vote!
- Answer the following questions with your partner/group:

Questions to Consider



Initial Reactions:

1. Do you think it is fair that the student received this grade? Why or why not?
2. What does it mean for a teacher to be *effective*?
 - a. What responsibilities do you think a teacher has to ensure students have a fair chance at success?
 - b. Do all students have to be successful to indicate the teacher's adequacy?
3. How would this situation have been different if the teacher would have been more involved?

Drawing Connections:

4. A criminal trial can determine someone's freedom- or even their life. What responsibilities should a defense attorney have in the same way a teacher has responsibilities?
5. What does it mean for a lawyer to be *effective*?
 - a. What is the protection guaranteed in Gideon, does it include anything about effectiveness?
 - b. Should it?



Terms to Know



- **Cross Examination** – A witness is examined by both defense and prosecution.
- **Conviction** – The accused is found guilty of the crime that they are on trial for.
- **Acquittal** – The accused is found not guilty of the crime that they are on trial for.
- **Affidavit** – Written statement that is sworn to be true.
- ★ ● **Burden of Proof** – The prosecution has to prove that the defendant is guilty.
- ★ ● **Precedent** – Prior court cases that establish a standard for how similar cases will be decided.



Strickland v. Washington



Facts: The defendant waived jury sentencing and pled guilty to multiple crimes. His attorney didn't present character witnesses or request a psychiatric evaluation.

Ruling: SCOTUS created the two-part test for ineffective assistance—but ultimately ruled the attorney's performance did not violate the Sixth Amendment.

Significance: Even though the defense could have done more, the Court found no reasonable probability that the outcome would have changed.



“The Strickland Test”



1. Counsel's performance was deficient (below an objective standard of reasonableness).
2. The deficiency was prejudicial – there is reasonable probability that if counsel had not made errors the outcome of the case would have been different.



Case Brief Analysis Round 2 ★

Understanding the Strickland Test, you and your team will now re-examine the case you were given at the beginning of class.

You will create a brief to present for the class tomorrow. Follow the instructions provided for your group to complete your brief.



Case 1



Issue:

Holding:

Decision:

Opinion:

