

Questions to Consider During your Analysis
Richmond v. Keller

Need to Know's

- The VI 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*:
 - Established that all accused have the right to counsel.
- *Strickland v. Washington*:
 - Established the Strickland Test for effective counsel.
 - To prove ineffective assistance of counsel under Strickland v. Washington, a defendant must show:
 - 1. Deficient Performance – That the attorney's representation fell below an objective standard of reasonableness.
 - 2. Prejudice – That the poor performance affected the outcome of the trial (i.e., there's a reasonable probability the result would have been different).

Discussion Questions:

1. What does the sixth amendment require from a defense attorney in a criminal trial?
2. Is failing to call a forensic expert automatically ineffective, or does it depend on the case?
3. Should courts accept strategy as a justification even if the defense barely contested the main evidence?
4. If you were on the jury, would the expert's affidavit have made you rethink the case?