GIDEON v. WAINWRIGHT (1963)



This landmark decision guaranteed the right to an attorney for those who could not afford one.

KEY TERMS

Selective Incorporation

The Supreme Court, at ts discretion, has applied (incorporated) portions of the Bill of Rights to the states.

Rights of the Accused

An American who is accused of a crime has several constitutional rights, including *habeas corpus*, legal counsel, a speedy and public trial, and the right to remain silent.

PRECEDENT

Betts v. Brady (1942)—denied the right to attorney to those who could not afford one when they were prosecuted in state cases.

SUBSEQUENT CASE

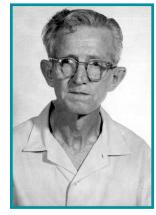
Miranda v. Arizona (1966)—the Warren Court extended more protections to the accused by ensuring that they are informed of their Fifth Amendment right to remain silent.

NOTES

FACTS OF THE CASE

In 1963, Clarence Gideon was arrested in Florida for breaking into a pool hall and stealing money out of a cigarette machine. Since Gideon was unable to afford an attorney, he represented himself in court. At the time, Florida only provided an attorney to defendants in capital cases (cases that can result in the death penalty). Without legal counsel, Gideon was unable to defend himself adequately and was convicted.

Gideon petitioned for a writ of certiorari from prison in a note written by hand with a pencil, claiming that he had been denied his Sixth Amendment right to an attorney. At the time, the Sixth Amendment only



applied to federal courts, since the Supreme Court had previously refused to incorporate the right to an attorney in *Betts v. Brady* (1942).

Justice of the United States

Comes now the petitioner, Clarence

Farl Gideon, a citizen of The United States

of America, in proper person, and appearing

as his own counsel. Who petitions this

Honorable Court for a Writ of Certionari

directed to The Supreme Court of The State

of Florida. To review the order and Judge
ment of the court below denying The

petitioner a Writ of Habeus Corpus.

Gideon's handwritten petition for a writ of certiorari

THE DECISION

In a unanimous decision, the Court ruled to incorporate the Sixth Amendment right to an attorney, making it binding on the states for all criminal defendants. Clarence Gideon's case was retried, and he was acquitted with the help of legal counsel.

OVERTURNED: Betts v. Brady (1942)

IMPACT

Gideon v. Wainwright was a landmark decision that expanded the rights of the accused through selective incorporation of the Sixth Amendment. This was consistent with the tendency of the Warren Court (1953-1969) to expand the rights of criminal defendants. The Warren Court also decided Miranda v. Arizona, which required state authorities to inform accused persons of their rights upon arrest.