Name

Institution

Course

Date

**Case Brief**

Strickland v. Washington

466 U.S. 668 (1984)

**Facts and Procedural History**

* During a ten-day period, Defendant Strickland committed three groups of crimes, including three brutal capital murders, torture, kidnapping, and attempted murders.
* The defendant pled guilty to all crimes and stated that he accepted responsibility for the crimes and had only acted under extreme mental stress resulting from his inability to care for his family.
* Against his counsel's advice, he waived his right to an adversarial jury at his sentencing hearing and chose to be sentenced by the Judge.
* Because the defendant had already claimed extreme mental stress, his counsel used that, along with information from his wife and mother, to establish his character, but defense counsel did not request psychiatric evaluation, did not look for further mitigating evidence, and did not request a pre-sentencing report.
* Counsel's decisions were said to reflect his hopelessness after his client pled to all offenses. Strickland was sentenced to death, and he sought habeas corpus relief due to the failures of his counsel to come up with mitigating evidence

**Law**

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.

**Legal Question**

After a defendant has pled guilty in a capital murder case, does defense counsel have a duty to present mitigating evidence in order to meet the Sixth Amendment standard for effectiveness?

**Holding and vote**: NO 7-2.

**Reasoning and Name of Judge**

O'Connor, J., read the opinion of the Court, in which he was joined by justices Burger, White, Blackmun, Powell, Rehnquist, and Stevens.

* The Sixth Amendment right to counsel is the right to the effective assistance of counsel, and the benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.
* A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or setting aside of a death sentence requires that the defendant show, first, that counsel's performance was deficient and, second, that the deficient performance prejudiced the defense to deprive the defendant of a fair trial.
* The proper standard for judging attorney performance is that of reasonably effective assistance, considering all the circumstances. When a convicted defendant complains of the ineffectiveness of counsel's assistance, the defendant must show that counsel's representation fell below an objective standard of reasonableness.
* A number of practical considerations are important for the application of the standards set forth above. The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.
* The facts of this case make it clear that counsel's conduct at and before the respondent's sentencing proceeding cannot be found unreasonable under the above standards. They also make it clear that, even assuming counsel's conduct was unreasonable, the respondent suffered insufficient prejudice to warrant setting aside his death sentence.
* In a long line of cases that includes Powell v. Alabama, 287 U.S. 45 (1932), Johnson v. Zerbst, 304 U.S. 458 (1938), and Gideon v. Wainwright, 372 U.S. 335 (1963), this Court has recognized that the Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial.
* The Constitution guarantees a fair trial through the Due Process Clauses, but it defines the basic elements of a fair trial largely through the several provisions of the Sixth Amendment, including the Counsel Clause:
* 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.
* Thus, a fair trial is one in which evidence subject to adversarial testing is presented to an impartial tribunal for resolution of issues defined in advance of the proceeding. The right to counsel plays a crucial role in the adversarial system embodied in the Sixth Amendment since access to counsel's skill and knowledge is necessary to accord defendants the "ample opportunity to meet the case of the prosecution" to which they are entitled.
* Because of the vital importance of counsel's assistance, this Court has held that, with certain exceptions, a person accused of a federal or State crime has the right to have counsel appointed if retained counsel cannot be obtained.
* The Sixth Amendment recognizes the right to the assistance of counsel because it envisions counsel's playing a role that is critical to the ability of the adversarial system to produce just results. An accused is entitled to be assisted by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.
* For that reason, the Court has recognized that "the right to counsel is the right to the effective assistance of counsel." Government violates the right to effective assistance when it interferes in certain ways with the ability of counsel to make independent decisions about how to conduct the defense.
* The Court has not elaborated on the meaning of the constitutional requirement of effective assistance in the latter class of cases--that is, those presenting claims of "actual ineffectiveness." In giving meaning to the requirement, however, we must take its purpose--to ensure a fair trial--as the guide.
* The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.
* The same principle applies to a capital sentencing proceeding such as that provided by Florida law. We need not consider the role of counsel in an ordinary sentencing, which may involve informal proceedings and standardless discretion in the sentencer, and hence may require a different approach to the definition of constitutionally effective assistance.
* A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First, the defendant must show that counsel's performance was deficient. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable.
* As all the Federal Courts of Appeals have now held, the proper standard for attorney performance is that of reasonably effective assistance. The Court indirectly recognized as much when it stated in McMann v. Richardson, 397 U.S., at 770, 771, that a guilty plea cannot be attacked as based on inadequate legal advice unless counsel was not "a reasonably competent attorney" and the advice was not "within the range of competence demanded of attorneys in criminal cases."
* More specific guidelines are not appropriate. The Sixth Amendment refers simply to "counsel," not specifying particular requirements of effective assistance.
* The proper measure of attorney performance remains simply reasonableness under prevailing professional norms.
* Representation of a criminal defendant entails certain basic duties. Counsel's function is to assist the defendant, and hence counsel owes the client a duty of loyalty, a duty to avoid conflicts of interest. Counsel also has a duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process.
* These basic duties neither exhaustively define the obligations of counsel nor form a checklist for judicial evaluation of attorney performance. In any case, presenting an ineffectiveness claim, the performance inquiry must be whether counsel's assistance was reasonable considering all the circumstances.
* Judicial scrutiny of counsel's performance must be highly deferential. It is all too tempting for a defendant to second-guess counsel's assistance after conviction or adverse sentence, and it is all too easy for a court examining counsel's defense after it has proved unsuccessful to conclude that a particular act or omission of counsel was unreasonable. A fair assessment of attorney performance requires that every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from the counsel's perspective at the time.
* The availability of intrusive post-trial inquiry into attorney performance or of detailed guidelines for its evaluation would encourage the proliferation of ineffectiveness challenges. Criminal trials resolved unfavorably to the defendant would increasingly come to be followed by a second trial, this one of counsel's unsuccessful defense.
* A court deciding an actual ineffectiveness claim must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct.
* A convicted defendant making a claim of ineffective assistance must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment.
* The Court should recognize that counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.
* These standards require no special amplification in order to define counsel's duty to investigate, the duty at issue in this case.
* The reasonableness of counsel's actions may be determined or substantially influenced by the defendant's own statements or actions. Counsel's actions are usually based, quite properly, on informed strategic choices made by the defendant and on information supplied by the defendant.

**Dissenting Opinion** (Justices Brennan and Marshall)

* The Court's newly crafted test was unlikely to improve the adjudication of Sixth Amendment claims.
* The uniform standard created by the majority was so malleable that, in practice, it will either have no grip at all or will yield excessive variation in the manner in which the Sixth Amendment is interpreted and applied by different courts.
* A person of means, by selecting a lawyer and paying him enough to ensure he prepares thoroughly, usually can obtain better representation than that available to an indigent defendant, who must rely on appointed counsel, who, in turn, has limited time and resources to devote to a given case.
* The majority contends that the Sixth Amendment is not violated when a manifestly guilty defendant is convicted after a trial in which he was represented by a manifestly ineffective attorney. I cannot agree.
* Reliability in the imposition of the death sentence can be approximated only if the sentencer is fully informed of all possible relevant information about the individual defendant whose fate it must determine.

Duncan v. Louisiana

391 U.S. 145 (1968)

**Facts and Procedural History**

* Appellant, Gary Duncan, was convicted of simple battery in the Twenty-fifth Judicial District Court of Louisiana. Under Louisiana law, simple battery is a misdemeanor, punishable by a maximum of two years imprisonment and a $300 fine.
* Appellant sought trial by jury, but because the Louisiana Constitution grants jury trials only in cases where capital punishment or imprisonment and hard labor may be imposed, the trial judge denied the request.
* The Appellant was convicted and sentenced to serve 60 days in the parish prison and pay a fine of $150. Appellant sought review in the Supreme Court of Louisiana, asserting that the denial of jury trial violated rights guaranteed to him by the United States Constitution.
* The Supreme Court, finding '(n)o error of law in the ruling complained of,' denied Appellant a writ of certiorari.2 Pursuant to 28 U.S.C. s 1257(2) appellant sought review in this Court, alleging that the Sixth and Fourteenth Amendments to the United States Constitution secure the right to a jury trial in state criminal prosecutions where a sentence as long as two years may be imposed.

**Law**

The Sixth Amendment provides for trial by jury in criminal cases

**Legal Question**

Was the State of Louisiana obligated to provide a trial by jury in criminal cases such as Duncan's?

**Holding and vote**: Yes 7-2

**Reasoning and Name of Judge**

Mr. Justice White delivered the opinion of the Court, in which he was joined by justices Warren, Black, Douglas, Brennan, Fortas, and Marshall.

* The Fourteenth Amendment denies the States the power to 'deprive any person of life, liberty, or property, without due process of law.'
* The test for determining whether a right extended by the Fifth and Sixth Amendments with respect to federal criminal proceedings is also protected against state action by the Fourteenth Amendment has been phrased in a variety of ways in the opinions of this Court.
* The history of trial by jury in criminal cases has been frequently told. It is sufficient for present purposes to say that by the time our Constitution was written, jury trial in criminal cases had been in existence in England for several centuries and carried impressive credentials traced by many to Magna Carta.
* Our law has therefore wisely placed this strong and two-fold barrier, of a presentment and a trial by jury, between the liberties of the people and the prerogative of the Crown.
* Jury trial came to America with English colonists and received strong support from them. Royal interference with the jury trial was deeply resented.
* ‘That trial by jury is the inherent and invaluable right of every British subject in these colonies.'
* The First Continental Congress, in the resolve of October 14, 1774, objected to trials before judges dependent upon the Crown alone for their salaries and to trials in England for alleged crimes committed in the colonies; the Congress therefore declared:
* 'That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.'
* The Declaration of Independence stated solemn objections to the King's making 'judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries,' to his 'depriving us in many cases, of the benefits of Trial by Jury,' and to his 'transporting us beyond Seas to be tried for pretended offenses.'
* 'The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed.'

**Concurring opinion** (justices Black and Douglas

* The Court today holds that the right to trial by jury guaranteed defendants in criminal cases in federal courts by Art. III of the United States Constitution and by the Sixth Amendment is also guaranteed by the Fourteenth Amendment to defendants tried in state courts.
* Freedom of speech which the First Amendment safeguards against encroachment by the Congress ….or the like freedom of the press…..or the free exercise of religion… or the right of peaceable assembly …. or the right of one accused of crime to the benefit of counsel.
* Certain Bill of Rights provisions were made applicable to the States by bringing them 'within the Fourteenth Amendment by a process of absorption.'

**Dissenting Opinion** (**Justice Harlan and Justice Stewart)**

Mr. Justice Harlan, whom Mr. Justice Stewart joins, dissenting.

* Every American jurisdiction provides for trial by jury in criminal cases. The question before us is not whether jury trial is an ancient institution, which it is; nor whether it plays a significant role in the administration of criminal justice, which it does; nor whether it will endure, which it shall.
* The States have always borne primary responsibility for operating the machinery of criminal justice within their borders, and adapting it to their particular circumstances.
* The Court's approach to this case is an uneasy and illogical compromise among the views of various Justices on how the Due Process Clause should be interpreted.

In re Gault

387 U.S. 1, (1967).

Facts and Procedural History

* Gerald (“Jerry”) Gault was a 15-year-old accused of making an obscene telephone call to a neighbor, Mrs. Cook, on June 8, 1964. After Mrs. Cook filed a complaint, Gault and a friend, Ronald Lewis, were arrested and taken to the Children’s Detention Home.
* Gault was on probation when he was arrested after being in the company of another boy who had stolen a wallet from a woman's purse.
* At the time of the arrest related to the phone call, Gault’s parents were at work. The arresting officer left no notice for them and did not make an effort to inform them of their son’s arrest.
* When Gault’s mother did not find Gault at home, she sent his older brother looking for him. They eventually learned of Gault’s arrest from the family of Ronald Lewis. When Mrs. Gault arrived at the Detention Home, she was told that a hearing was scheduled in Juvenile Court the following day.
* The arresting officer filed a petition with the Court on the same day of Gault’s initial court hearing. The petition was not served on Gault or his parents. In fact, they did not see the petition until more than two months later, on August 17, 1964, the day of Gerald's habeas corpus hearing.
* The June 9 hearing was informal. Not only was Mrs. Cook not present, but no transcript or recording was made, and no one was sworn in prior to testifying. Gault was questioned by the judge, and there are conflicting accounts as to what, if anything, Gault admitted.
* After the hearing, Gault was taken back to the Detention Home. He was detained for another two or three days before being released. When Gault was released, his parents were notified that another hearing was scheduled for June 15, 1964.
* Mrs. Cook was again not present for the June 15th hearing, despite Mrs. Gault’s request that she be there "so she could see which boy that done the talking, the dirty talking over the phone." Again, no record was made, and there were conflicting accounts regarding any admissions by Gault.
* At this hearing, the probation officers filed a report listing the charge as lewd phone calls. An adult charged with the same crime would have received a maximum sentence of a $50 fine and two months in jail. The report was not disclosed to Gault or his parents. At the conclusion of the hearing, the judge committed Gault to juvenile detention for six years until he turned 21.
* Gault’s parents filed a petition for a writ of habeas corpus, which was dismissed by both the Superior Court of Arizona and the Arizona Supreme Court.
* The Gaults next sought relief in the Supreme Court of the United States. The Court agreed to hear the case to determine the procedural due process rights of a juvenile criminal defendant.

**Law**

In connection with a juvenile court adjudication of "delinquency," the hearing must measure up to the essentials of due process and fair treatment, as a requirement which is part of the Due Process Clause of the Fourteenth Amendment.

**Legal Question**

Were Gerald and his parents denied due process rights with regard to Gerald’s charge of being delinquent?

**Holding and vote**: Yes 8–1

**Reasoning and Name of Judge**.

Justice Fortas wrote the opinion of the Court, in which he was joined by Warren, Douglas, Clark, Brennan.

* Kent v. United States, 383 U. S. 541, 383 U. S. 562 (1966), held "that the [waiver] hearing must measure up to the essentials of due process and fair treatment."
* It would be extraordinary if our Constitution did not require the procedural regularity and exercise of care implied in the phrase due process.
* Due process requires, in such proceedings, that adequate written notice be afforded to the child and his parents or guardian. Such notice must inform them "of the specific issues that they must meet" and must be given "at the earliest practicable time, and, in any event, sufficiently in advance of the hearing to permit preparation."
* In such proceedings, the child and his parents must be advised of their right to be represented by counsel and, if they are unable to afford counsel, that counsel will be appointed to represent the child. Mrs. Gault's statement at the habeas corpus hearing that she had known she could employ counsel is not "an intentional relinquishment or abandonment of a fully known right."
* An admission by the juvenile may [not] be used against him in the absence of clear and unequivocal evidence that the admission was made with knowledge that he was not obliged to speak and would not be penalized for remaining silent.
* The availability of the privilege does not turn upon the type of proceeding in which its protection is invoked, but upon the nature of the statement or admission and the exposure which it invites. . . . Juvenile proceedings to determine 'delinquency,' which may lead to commitment to a state institution, must be regarded as 'criminal' for purposes of the privilege against self-incrimination.
* Admissions and confessions by juveniles require special caution as to their reliability and voluntariness, and it would indeed be surprising if the privilege against self-incrimination were available to hardened criminals, but not to children.
* Special problems may arise with respect to waiver of the privilege by or on behalf of children, and . . . there may well be some differences in technique -- but not in principle -- depending upon the age of the child and the presence and competence of parents.
* Absent a valid confession, a juvenile in such proceedings must be afforded the rights of confrontation and sworn testimony of witnesses available for cross-examination.
* Other questions raised by appellants, including the absence of provision for appellate review of a delinquency adjudication and a transcript of the proceedings, are not ruled upon.
* Ariz. 181, 407 P.2d 760, reversed and remanded.

**Concurring Opinion** (Justices Black, White, and Harlan)

Mr. Justice BLACK, concurring.

* The juvenile court laws of Arizona and other States, as the Court points out, are the result of plans promoted by humane and forward-looking people to provide a system of courts, procedures, and sanctions deemed to be less harmful and more lenient to children than to adults.
* The juvenile court planners envisaged a system that would practically immunize juveniles from 'punishment' for 'crimes' in an effort to save them from youthful indiscretions and stigmas due to criminal charges or convictions. I agree with the Court, however, that this exalted ideal has failed of achievement since the beginning of the system.
* Where a person, infant or adult, can be seized by the State, charged, and convicted for violating a state criminal law, and then ordered by the State to be confined for six years, I think the Constitution requires that he be tried in accordance with the guarantees of all the provisions of the Bill of Rights made applicable to the States by the Fourteenth Amendment.
* A few words should be added because of the opinion of my Brother HARLAN, who rests his concurrence and dissent on the Due Process Clause alone.
* I cannot subscribe to any such interpretation of the Due Process Clause. Nothing in its words or its history permits it, and 'fair distillations of relevant judicial history' are no substitute for the words and history of the clause itself.
* The existence of such awesome judicial power cannot be buttressed or created by relying on the word 'procedural.

Mr. Justice WHITE, concurring.

* I join the Court's opinion except for Part V. I also agree that the privilege against compelled self-incrimination applies at the adjudicatory stage of juvenile court proceedings.

Mr. Justice HARLAN, concurring in part and dissenting in part.

* Each of the 50 States has created a system of juvenile or family courts, in which distinctive rules are employed and special consequences imposed. The jurisdiction of these courts commonly extends both to cases in which the States have withdrawn from the ordinary processes of criminal justice and to cases that involve acts that, if performed by an adult, would not be penalized as criminal.
* I must first acknowledge that I am unable to determine with any certainty by what standards the Court decides that Arizona's juvenile courts do not satisfy the obligations of due process. The Court's premise, itself the product of reasoning which is not described, is that the 'constitutional and theoretical basis of state systems of juvenile and family courts is 'debatable'; it buttresses these doubts by marshaling a body of opinion which suggests that the accomplishments of these courts have often fallen short of expectations.
* If this is the source of the Court's dissatisfaction, I cannot share it. I should have supposed that the constitutionality of juvenile courts was beyond proper question under the standards now employed to assess the substantive validity of state legislation under the Due Process Clause of the Fourteenth Amendment.
* The proper issue here is, however, not whether the State may constitutionally treat juvenile offenders through a system of specialized courts, but whether the proceedings in Arizona's juvenile courts include procedural guarantees which satisfy the requirements of the Fourteenth Amendment.
* The central issue here, and the principal one upon which I am divided from the Court, is the method by which the procedural requirements of due process should be measured.
* The Court has repeatedly emphasized that determination of the constitutionally required procedural safeguards in any situation requires recognition both of the 'interests affected' and of the 'circumstances involved.' F.C.C. v. W.J.R., The Goodwill Station, supra, 337 U.S. at 277, 69 S.Ct. at 1104.

**Dissenting opinion** (Justice Stewart)

* The Court today uses an obscure Arizona case as a vehicle to impose upon thousands of juvenile courts throughout the Nation restrictions that the Constitution made applicable to adversary criminal trials.
* Juvenile proceedings are not criminal trials. They are not civil trials. They are simply not adversary proceedings. Whether dealing with a delinquent child, a neglected child, a defective child, or a dependent child, a juvenile proceeding's whole purpose and mission is the very opposite of the mission and purpose of a prosecution in a criminal court. The object of the one is the correction of a condition. The object of the other is conviction and punishment for a criminal act.
* In any event, there is no reason to deal with issues such as these in the present case. The Supreme Court of Arizona found that the parents of Gerald Gault knew of their right to counsel, to subpoena and cross-examine witnesses, of the right to confront the witnesses against Gerald, and the possible consequences of a finding of delinquency.