Syllabus



# SUPREME COURT OF THE UNITED STATES

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## CITRON *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

No. 09–69. Decided December 12, 2020

In his criminal prosecution for abuse of power, petitioner was barred from calling any witnesses in support of his case. During discovery, the prosecution indicated it would call two witnesses for its case-in-chief; petitioner did not indicate he would call any witnesses but said he would "us[e] the same witnesses" as the prosecution. At trial, the prosecution did not call any witnesses, instead resting on the strength of its exhibits. Petitioner's counsel attempted to call one of the previously-disclosed government witnesses but the District Court struck the witness on the grounds of relevance, reasoning that they had already established "perfect knowledge as to the facts alleged" based on the exhibit presentations. The District Court ultimately convicted petitioner and sentenced him to prison. Petitioner appealed, challenging the District Court's refusal of his witness as a violation of the Sixth Amendment.

*Held:* The Sixth Amendment guarantees the right of a defendant to offer witnesses favorable to their defense. Although defendants must still comply with all rules of court procedure, including the Federal Rules of Evidence and Criminal Procedure, petitioner did not violate either Fed. R. Evid. 401 (the standard for relevance) or Fed. R. Crim. P. 16(b) (requirements for disclosing witnesses during discovery) as the District Court concluded.

Reversed and remanded.

STEWART, J., delivered the opinion for a unanimous Court.

# SUPREME COURT OF THE UNITED STATES

No. 09–69

CITRONSOUP, PETITIONER *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

[December 12, 2020]

JUSTICE STEWART delivered the opinion of the Court.

The petitioner in this matter was convicted after a trial in the District Court during which the Court refused to let the petitioner call any witnesses. The question before us is whether petitioner's rights under the Compulsory Process Clause were violated. We hold that they were.

## I

The United States charged the petitioner with abuse of power. During discovery, the government disclosed that it wished to call two witnesses; the petitioner did not disclose anything except for saying that "we will be using the same witnesses." No further dispute was raised until the trial began.

During the trial, the prosecution did not call any witnesses and instead presented exhibits. The petitioner's counsel attempted to call one of the government witnesses. The Court proceeded to strike the witness on "relevance grounds" stating that "we already have perfect knowledge as to the facts alleged" and condemned the defense for not disclosing it during discovery. After that proceeded a confusing argument where the defense bizarrely stated it wanted to cross-examine a witness, despite none being

called.

The Court convicted the petitioner and sentenced him to 5 days of imprisonment.

II

The Sixth Amendment guarantees the right for defendants to be able to obtain witnesses favorable to their defense and further provides that the government must assist in ensuring such witnesses are available. "Our cases establish, at a minimum, that criminal defendants have the right to the government's assistance in compelling the attendance of favorable witnesses at trial and the right to put before a jury evidence that might influence the determination of guilt." *Pennsylvania* v. *Ritchie*, 480 U. S. 39, 56 (1987).[1] Indeed, we have previously noted that "right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies. Just as an accused has the right to confront the prosecution's witnesses for the purpose of challenging their testimony, he has the right to present his own witnesses to establish a defense. This right is a fundamental element of due process of law." *Washington* v. *Texas*, 388 U. S. 14, 19 (1967). This right, however, is not unlimited; "[t]he accused does not have an unfettered right to offer testimony that is incompetent, privileged, or otherwise inadmissible under standard rules of evidence. *Taylor* v. *Illinois*, 484 U.S. 400, 410 (1988). The clause also does not override the responsibility for an accused to comply with court procedure. See *Montana* v. *Egelhoff*, 518 U.S. 37, 42 (1996) ("Relevant evi-

[1]It bears noting that the ability of the government to provide assistance is considerably limited in this roleplaying environment. However, in this context, it is not necessary for us to determine the nature of assistance the government must render in criminal proceedings.

dence may, for example, be excluded on account of a defendant's failure to comply with procedural requirements."). The Court refused to allow witnesses to be called for two reasons, which we address individually.

*Firstly,* the claim that the evidence was not relevant. The test for relevance is in Federal Rule of Evidence 401:

> "Evidence is relevant if:
>
> (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and
>
> (b) the fact is of consequence in determining the action." Fed. R. Evid. 401.

We review the District Court's decision for abuse of discretion. "A district court is accorded a wide discretion in determining the admissibility of evidence under the Federal Rules. United States v. Abel, 469 U.S. 45, 54 (1984). However, this discretion is not unlimited. "A district court would necessarily abuse its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence. *United States* v. *Incels Union*, 10 U. S. __, __ (2020) (slip op. at 3). "A trial court has wide discretion when, but only when, it calls the game by the right rules." *Fox* v. *Vice*, 563 U. S. 826, 839 (2011). The test for probability under Rule 401 is "The standard of probability under the rule is 'more * * * probable than it would be without the evidence.' Any more stringent requirement is unworkable and unrealistic." Advisory Committee's 1972 Notes on Fed. R. Evid. 401 (quotations altered). [I]t is not to be supposed that every witness can make a home run." Ibid. In this case, the witnesses would provide details about policy and their interactions that could alter the probability of crucial matters. The District Court therefore abused its discretion in refusing to let the witnesses testify and the evidence should have admissible.

*Secondly,* it is claimed that the witnesses were not properly disclosed during discovery. While the Compulsory Process Clause does not a shield against the procedural

rules of a court, a review of the record will find that at no point was the petitioner under an obligation to disclose lay witnesses. After the prosecution provided discovery, it "Pursuant to Rule 16 of the FRCMP (b) would request any document, statement, witnesses or evidence the defense wishes to enter [sic]." However, Fed. R. Crim. P. 16(b) does not impose an obligation to disclose lay witnesses, only expert witnesses. The same also applies for the government. This does not preclude a district court from exercising its discretion to order that witness lists be turned over. See, e.g., *United States* v. *Colson*, 662 F. 2d 1389, 1391 (CA9 1981). However, there was no such order beyond the confines of Rule 16(b).

*

The Sixth Amendments grants the petitioner the right to present a defense and secure witnesses to support that defense. It requires the petitioner to comply with the rules of evidence and procedure, but such rules were complied with. The petitioner's rights were violated in a manner that deprived him of the right to a fair trial.

The judgment of the District Court is reversed, and the matter is remanded for proceedings not inconsistent with this opinion.

*It is so ordered.*