

FARETTA v. CALIFORNIA
422 U.S. 806 (1975)

Facts

Defendant was charged with grand theft in an information filed in the Superior Court of Los Angeles County. At the arraignment, the judge appointed a public defender to represent Faretta since Faretta lacked sufficient funds to hire his own lawyer.

Faretta requested that he be allowed to represent himself as he had done so before, and told the court that he had a high school education. Further, Faretta felt that the public defender was “loaded down with a heavy case load” and that by allowing him to represent himself there would be one less case for that office.

Several weeks later, the judge held a hearing to inquire into Faretta’s ability to conduct his own defense. After further questioning him about specific points of procedure and law, the judge concluded that defendant Faretta had not made an intelligent, knowing waiver of his counsel and thus ordered that the public defender should reenter the case over Faretta’s objection .

At the conclusion of the trial, the jury found Faretta guilty as charged, and the judge sentenced him to prison. However, on appeal, the main question considered by the Court was whether a person in a criminal trial should be forced to have a lawyer defend him when the defendant insists that he is competent to conduct his own defense.

Decision of the Court

In *Faretta*, the United States Supreme Court by a 6-3 vote concluded that the Sixth Amendment right to counsel guarantees that a criminal defendant who chooses to represent himself or herself must knowingly and intelligently waive the right to counsel. If the trial court agrees, the defendant can proceed without the assistance of a qualified attorney. “Personal liberties are not rooted in the law of averages. The right to defend is personal. The defendant, and not his lawyer, or the state, will bear the personal consequences of a conviction.”

Questions

1. Should an indigent criminal defendant be forced to accept whatever attorney is appointed by the court to represent him or her?
2. Would our system be better if criminal trials were conducted without the use of attorneys?
3. What purpose is served by allowing an attorney to cross-examine a witness?
4. Should students be entitled to free legal counsel when faced with violation of school regulations?
5. What basic purpose is served by having attorneys speak for their clients?

6. Why is it necessary to have an attorney when the defendant wishes to plead guilty to the charge?
7. Should indigent criminal defendants be entitled to the attorney of their choice? If so, who will pay the bill and will there be any limitations?
8. Should indigents have the right to appointed counsel in civil matters, e.g., divorce or eviction?
9. How would you decide these cases?