

**Class 26: Sixth Amendment
Right To Counsel**

Admin

Next Time: Review Session

Model Exams +

Review sessions

Thursday, 4/24, 9am

Friday, 4/25, 10am

Both in Room 301

FCQs at 10am

Last Time

Dickerson

Confession prior to warnings

CA4: Miranda overruled by section 3501

Held Reasoning

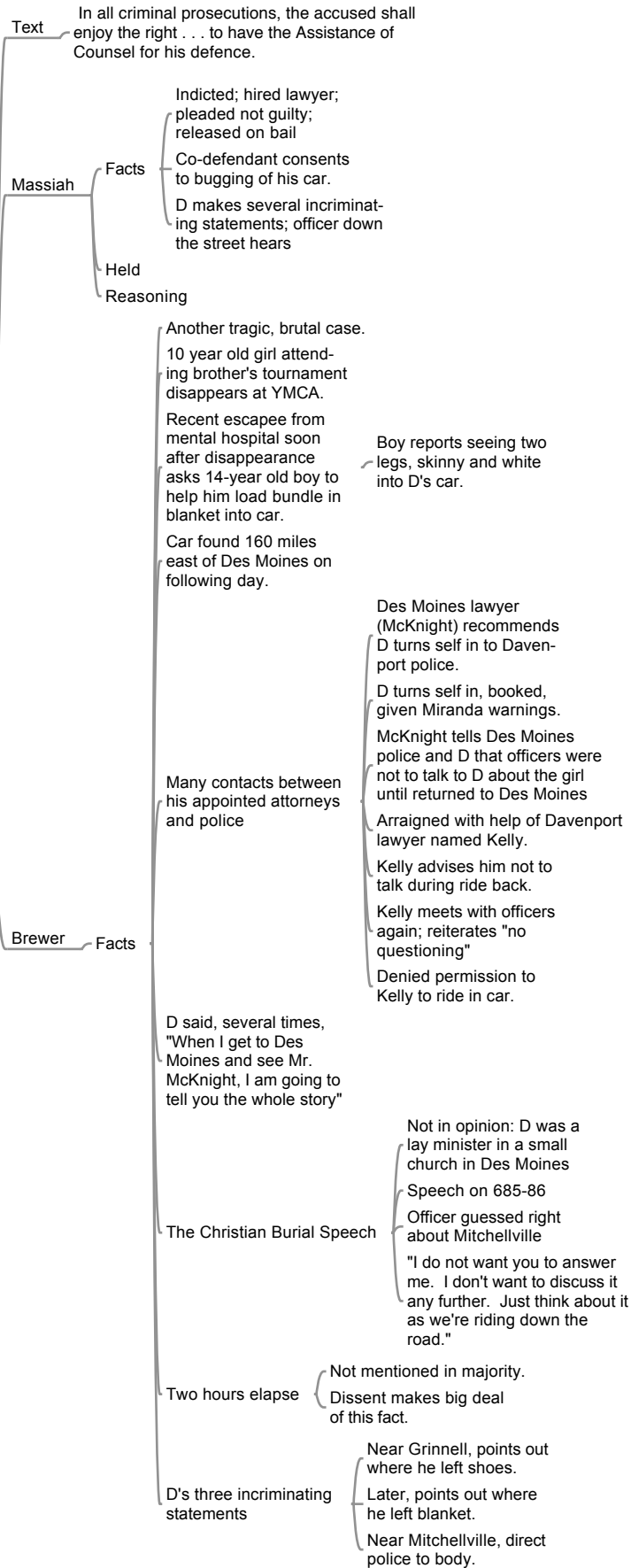
(a) In any criminal prosecution brought by the United States or by the District of Columbia, a confession, as defined in subsection (e) hereof, shall be admissible in evidence if it is voluntarily given. Before such confession is received in evidence, the trial judge shall, out of the presence of the jury, determine any issue as to voluntariness. If the trial judge determines that the confession was voluntarily made it shall be admitted in evidence and the trial judge shall permit the jury to hear relevant evidence on the issue of voluntariness and shall instruct the jury to give such weight to the confession as the jury feels it deserves under all the circumstances.

(b) The trial judge in determining the issue of voluntariness shall take into consideration all the circumstances surrounding the giving of the confession, including [five factors]

Added Pub. L. 90-351, title II, Sec. 701(a), June 19, 1968, 82 Stat. 210

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Brewer
Held
Reasoning
State Courts: Waiver of VI right.

Not responsible for
Jailhouse snitch cases

Waiver

Jackson

Issue

Does Edwards apply to
VI's right to counsel?

Facts

Wife's plan to have her
husband killed

Arrested on unrelated charge

Prior to arraignment

Read Miranda warnings
Six statements in
response to police
questioning

During arraignment:
requested counsel

Next morning

Before opportunity to
consult counsel
Again, Miranda warnings
Another statement

Held

Reasoning

Note 6: Waiver when no
counsel has been
retained or appointed? ⊕

Note 7: like Moran v. Burbine ⊕