

Name _____

Date _____



The Sixth Amendment

DEFENDANT:

I can't believe this. I can't go to prison! I don't want to spend my whole life in jail!

LAWYER:

Calm down. You can't just be thrown in prison. You have rights.

DEFENDANT:

Wait, which rights? Who are you?

LAWYER:

We'll get to who I am later. If you're accused of a crime, you're guaranteed the right to a speedy and public trial in front of an impartial jury in the state and district where the crime happened. All charges against you will be explained, witnesses for and against you will participate and you have the right to legal counsel.

DEFENDANT:

Wait, I didn't get all of that. Can you start over? Please, just start over, please. Slow it down.

If you're accused of a crime, Amendment Six

Promises a speedy trial that's public

In a court with a jury in the area the crime was,

And no one in the jury can be biased.

Amendment Six:

Charges get explained; you get witnesses.

Some will be against and some will be for you.

And don't forget, you have the right to a lawyer.

First you get a trial in public, quick.

How quick? It varies, but delays must have legit
Reasons. Even if you live in another state,
You'll have to go to court where the crime took place.
And you're guaranteed an impartial jury:
12 people who represent the area, you heard me?
None of them can know you or anyone involved
In the case; any biased juror must be replaced.
You'll get an indictment that explains all charges
From a grand jury before your trial gets started.
Witnesses against you will have to testify,
And you'll have the opportunity to get some on your side.
They're forced to testify when they're issued a subpoena.
And last but not least, you get access to me: a
Lawyer, also known as a counsel for defense.
You could defend yourself if you think it makes sense.

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And don't forget, you have the right to a lawyer.

How we interpret an amendment shifts
Over time through Supreme Court decisions.
Number six is no exception, especially
If we're talking right to legal counsel, like me.
At first the right to lawyers only applied
When federal defendants might be sentenced to die.
Then came an appeal: Powell vs. Alabama.

Two lawyers representing nine teens were unprepared.
The Supreme Court said the boys stood no chance;
Unqualified counsel is just as bad as no defense.
Effective counsel in state capital cases
Became required; other cases were still up to the state.
Then Betts vs. Brady, state felony case:
Betts, too poor to pay counsel, got locked away.
His appeal was denied; states could still choose
Who deserved legal counsel. Let's fast forward to
1963, convicted felon named Gideon
Claimed his conviction had violated Amendment Six.
Indigent man, couldn't afford counsel, got none,
Tried to represent himself, found guilty, not fun.
Supreme Court ruled no way, we're with Gideon.
If you're brought to court without money left for spending
On a lawyer, then the government's required to provide
Legal counsel to every defendant facing any jail time.

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And don't forget, you have the right to a lawyer.