

# **Gideon v. Wainwright / Document Analysis<sup>1</sup>**

Answer the following questions using the photos of Gideon's petition (pages 2-6):

**1. Type of document (check one):**

- |  |   |  |                                     |
|--|---|--|-------------------------------------|
| <input type="checkbox"/> Newspaper     | <input type="checkbox"/> Letter               | <input type="checkbox"/> Patent        | <input type="checkbox"/> Memorandum |
| <input type="checkbox"/> Map           | <input type="checkbox"/> Telegram             | <input type="checkbox"/> Press release | <input type="checkbox"/> Report     |
| <input type="checkbox"/> Advertisement | <input type="checkbox"/> Congressional record | <input type="checkbox"/> Census report | <input type="checkbox"/> Other:     |

**2. Unique physical qualities of the document (check one or more and note details):**

- |   |                                      |   |                                |
|---|--------------------------------------|---|--------------------------------|
| <input type="checkbox"/> Interesting letterhead | <input type="checkbox"/> Handwritten | <input type="checkbox"/> Typed  | <input type="checkbox"/> Seals |
| <input type="checkbox"/> "Received" stamp       | <input type="checkbox"/> Other:      | <div style="border: 1px solid black; padding: 10px; min-height: 100px;"><i>Details:</i></div> |                                |
|   |                                      |   |                                |

**3. Author (or creator) of the document:**

**4. Why do you think this document was written?**

**5. What evidence in the document helps you know why it was written? Quote from the document.**

**6. Discuss responses with your classmates.**

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<sup>1</sup> Adapted from the National Archives and Records Administration's "[Analyze a Written Document](#)" resource.

DIVISION OF CORRECTIONS  
CORRESPONDENCE REGULATIONS

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INSTITUTION \_\_\_\_\_ CELL NUMBER \_\_\_\_\_

NAME \_\_\_\_\_ NUMBER \_\_\_\_\_

In The Supreme Court of The United States  
Washington D.C.  
Clarence Earl Gideon  
Petitioner- Petition for a writ  
vs. of Certiorari directed  
H.G. Cochran, Jr, as to The Supreme Court  
Director, Division of State of Florida.  
of corrections State  
of Florida  
No. 890 Misc.  
OCT. TERM 1961  
U. S. Supreme Court

To: The Honorable Earl Warren, Chief Justice of the United States

Come s now The petitioner, Clarence Earl Gideon, a citizen of The United States of America, in proper person, and appearing as his own counsel, Who petitions this Honorable Court for a Writ of Certiorari directed to The Supreme Court of The State of Florida, To review the order and Judgment of the court below denying The petitioner a Writ of Habeas Corpus.

Petitioner submits That The Supreme Court of The United States has the authority and jurisdiction to review The final Judgment of The Supreme Court of The State of Florida the highest court of The State Under sec. 344(B) Title 28 U.S.C.A. and Because The "Due process clause" of the

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fourteenth admendment of the consti,tution and the fifth and sixth articales of the Bill of rights has been violated. ~~Fifth~~ Furthermore, the decision of the court below denying the petitioner a Writ of Habeus Corpus is also inconsistent and adverse to its own previous decisions in peralled cases.

ATTACHED hereto, and made a part of this petition is a true copy of the petition for a Writ of Habeus Corpus as presented to the Florida Supreme Court. Petitioner asks this Honorable Court to cosider the same arguments and authorities cited in the petition for Writ of Habeus Corpus before the Florida Supreme Court. In consideration of this petition for a Writ of Certiorari.

The Supreme Court of Florida did not write any opinion. Order of that Court denying petition for Writ of Habeus Corpus dated October 30, 1961, are attached hereto and made a part of this petition.

Petitioner contends that he has been deprived of due process of law Habeus Corpus petition alleging that the lower state court has decided a



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Federal question of substance, in a way not in accord with the applicable decisions of this Honorable Court. When at the time of the petitioners trial. He ask the lower Court for the aid of counsel. The court refused this aid. Petitioner told the court that this court had made decision to the effect that all citizens tried for a felony crime should have aid of counsel. The lower Court ignored this plea.

Petitioner alleges that prior to petitioners convictions and sentence for Breaking and Entering with the intent to commit petty larceny. He had requested aid of counsel, that at the time of his conviction and sentence, petitioner was without aid of counsel. That the Court refused and did not appoint counsel, and that he was incapable adequately of making his own defense. In consequence of which he was made to stand trial. Made a Prima Facie showing of denial of due process of law. (U.S.S.A. Const Amend. 14) William V. Kaiser vs. State of Missouri 65 Ct. 363

Counsel must be assigned to the accused if he is unable to employ

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one, and is incapable adequately of making his own defense

Tamkins vs State Missouri 65 Ct 370

on the 3rd June 1961 A.B. your Petitioner was arrested for ~~fore~~ said crime and convicted for same, Petitioner receive Trial and sentence without aid of Counsel, your petitioner was deprived 'Due process of law'.

Petitioner, was deprived of due process of law in The Court. <sup>before</sup> Evidence in the lower court did not show that a crime of Breacking and Entering with the intent to commit Petty Larceny had been committed. Your-petitioner was compelled to make his own defense, he was incapable adequately of making his own defense Petitioner did not plead not contented, But That is what his trial amounted to.



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Wherefore the premises considered it is respectfully contended that the decision of the court below was in error and the case should be review by this court, accordingly the writ prepared and prayed for should be issue.

IT is respectfully submitted

*Clarence Earl Gideon*  
Clarence Earl Gideon  
P.O. Box 221  
state of Florida) Raiford Florida  
county of union) or

Petitioner, Clarence Earl Gideon, personally appearing before me and being duly sworn, affirms that the foregoing petition and the facts set forth in the petition are correct and true

Sworn and subscribed before me this 5th day of Jan 1962

*Lawrence C. Sawyer*  
Notary Public  
Notary Public, State of Florida at Large  
My Commission Expires Sept. 19, 1962  
Bonded by American Surety Co. of N. Y.