

Gideon v. Wainwright / Document Analysis¹— Answer Key

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

1. Type of document (check one):

☐ Newspaper ☐ Letter ☐ Patent ☐ Memorandum
☐ Map ☐ Telegram ☐ Press release ☐ Report
☐ Advertisement ☐ Congressional record ☐ Census report ☒ Other:

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

☒ Interesting letterhead ☒ Handwritten ☐ Typed ☐ Seals
☒ “Received” stamp ☐ Other:

Details: The document is stamped indicating it was received during the October Term 1961, U.S. Supreme Court

3. Author (or creator) of the document:

The petition is signed by Clarence Earl Gideon, petitioner.

4. Why do you think this document was written?

In the petition, Gideon is asking the Supreme Court of the United States to hear his case. (He argues that one cannot get a fair trial without the aid of counsel. He asks the Court to issue a writ of certiorari.)

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

Students may cite various passages from the document, which may include the following:

- Petitioner submits that the Supreme Court of the United States has the authority and

¹ Adapted from the National Archives and Records Administration’s “[Analyze a Written Document](#)” resource.

jurisdiction to review the final judgment of the Supreme Court of the state of Florida... because the 14th admendment [sic] of the constitution and the fifth and sixth articales [sic] of the Bill of rights has been violated.

- He ask [sic] the lower court for the aid of counsel. The court refused this aid. Petitioner told the court that this court had made decision [sic] to the effect that all citizens tried for a felony should have aid of counsel. The lower court ignored this plea. c. Wherefore the premises considered it is respectfully contested [sic] that the decision of the court below was in error and the case should be review[sic].

6. Discuss responses with your classmates.

DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

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No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

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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 Judge-
ment of the court below denying The
petitioner a Writ of Habeus Corpus.

Petitioner submits that The Supreme
Court of The United States has the authority
and jurisdiction to review The final Judge-
ment 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~~ 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. 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.