

## Applying Precedents Activity

**Comparison case:** *Alabama v. Shelton* (2002)

**Precedent cases:** *Gideon v. Wainwright* (1963)

**What you need to know before you begin:** When the Supreme Court decides a case, it clarifies the law and serves as guidance for how future cases should be decided. Before the Supreme Court makes a decision, it always looks to precedents—past Supreme Court decisions about the same topic—to help make the decision. A principle called *stare decisis* (literally “let the decision stand”) requires that the precedent be followed. If the case being decided is legally identical to a past decision, then the precedent is considered binding and the Supreme Court must decide the matter the same way. However, cases that make it to the Supreme Court are typically not completely identical to past cases, and justices must consider the similarities and differences when deciding a case.

The process of comparing past decisions to new cases is called applying precedent. Lawyers often argue for their side by showing how previous decisions would support the Supreme Court deciding in their favor. This might mean showing how a previous decision that supports their side is analogous (similar) to the case at hand. It can also involve showing that a previous decision that does not support their side is distinguishable (different) from the case they are arguing.

**How it’s done:** In this exercise, you will analyze a precedent and compare them to *Alabama v. Shelton*. You have been provided with information about two cases: **1)** the facts, issue, and constitutional provisions/precedents of the comparison case (*Alabama v. Shelton*) and **2)** a brief summary of a precedent case (*Gideon v. Wainwright*), which can be found within the *Alabama v. Shelton* case materials.

After reading about the cases, you will look for evidence that *Alabama v. Shelton* is **analogous** (similar) to the precedent cases and evidence that the cases are **distinguished** (different) from each other. After considering the precedent, you must decide whether the precedent is analogous enough to command the same outcome in the comparison case, or whether the comparison case is different enough to distinguish itself from the precedent.

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1. Using factual and legal similarities, show how *Alabama v. Shelton* is **analogous** (similar) to the precedent case *Gideon v. Wainwright*.



## Comparison Case: *Alabama v. Shelton* (2002)

**Argued:** February 19, 2002

**Decided:** May 20, 2002

### Facts

LeReed Shelton was charged with third-degree assault, a misdemeanor that carries a fine and/or jail time as a punishment. Shelton asked for an attorney but was denied. Shelton represented himself at his trial. He was convicted, fined, and sentenced to a jail term of 30 days. The jail term was immediately “suspended” by the court. This means Shelton was placed on probation for two years. He did not have to serve the 30-day sentence unless he violated the terms of his probation. If he violated his probation, he would be imprisoned. The fine that Shelton was ordered to pay is agreed by all parties to be valid. Shelton continued to challenge his conviction on the grounds that he was not provided a court-appointed attorney, and the case moved up through the Alabama courts. The Alabama Supreme Court overturned Shelton’s sentence because he was not given an attorney (since he could not afford to hire his own counsel). The Supreme Court granted *certiorari* on May 14, 2001.

### Issue

Does a person accused of a misdemeanor have a constitutional right to be appointed an attorney when the prison sentence given is suspended?

### Supreme Court Precedents

– *Gideon v. Wainwright* (1963)

In this landmark case, the Supreme Court decided a criminal defendant was entitled to a lawyer to make the trial fair. The 14<sup>th</sup> Amendment gives U.S. citizens “due process” before “liberty” (freedom) can be taken away by the state. Due process provides the right to a fair trial. Since the government will always have lawyers on its side, the Supreme Court decided that defendants needed lawyers as well to guide them through their case and stand up for them. This case did not give everyone a right to an attorney, only those accused of very serious crimes (felonies). *Argersinger v. Hamlin* changed that.

– *Argersinger v. Hamlin* (1972)

In this case the Supreme Court decided that when a person is charged with a crime, the court must give that person an attorney if 1) they don’t have enough money to hire one and 2) there is a chance that person could go to jail for any amount of time (for a misdemeanor or a felony). The only way an accused person does not get an attorney is if they made a knowing and intelligent choice to give that right up. Because going to prison is considered a

significant punishment, the constitutional guarantee of a fair trial has been interpreted by the Supreme Court to mean that all people who might go to jail shall receive a lawyer.

– ***Scott v. Illinois (1979)***

In this case the Supreme Court decided courts are not required to provide a free, court-appointed lawyer to an indigent (poor) person charged with a crime if the person is not actually sent to jail. For example, if a crime is punishable by a fine or a term of imprisonment, and the accused person is ordered to pay a fine, the accused did not have the right to an attorney. Paying a fine is not seen as severe as a punishment as going to jail.