

Case: Faretta v. California (U.S. Supreme Court 1975)



This case rules that an individual has a constitutional right to self-representation. While decided in the criminal context, the footnotes are especially relevant as we consider today the rights and responsibilities of pro se litigants in civil matters and the systems that support them.

Facts of the Case:

Anthony Faretta was charged with grand theft and requested to represent himself in the Superior Court of Los Angeles County. The judge at first approved the request but then redacted his approval after questioning Faretta on court procedures and determining that Faretta did not intelligently waive his right to counsel. The judge appointed a public defender for Faretta. Faretta was convicted and on appeal, the

judge's ruling that Faretta had no right to represent himself was affirmed. California Supreme Court Denied review.

Question of the Case:

Can a defendant be forced to accept representation by counsel even against their request and right to represent themselves?

Decision of the Case:

Justice Potter Stewart wrote for a 6-3 majority that a defendant cannot be forced to accept representation by counsel against their request. The Supreme Court upheld that a defendant has the constitutional right to defend themselves if they voluntarily and intelligently want to do so. Faretta's knowledge (or lack thereof) about court procedures was not relevant to whether he waived the right to counsel.

Chief Justice Warren Burger dissented by arguing that the Constitution does not provide a basis for a right to self-representation. Justice Harry Blackmun dissented by arguing that the text of the Sixth Amendment does not enumerate the right to self-representation and that such right would lead to confusion and provide no benefit to the accused.

(From *Faretta v. California*, Oyez, <https://www.oyez.org/cases/1974/73-5772> (last visited Jul 30, 2021)).

Recommended Citation: *Faretta v. California* 422 U.S. 806 (1975), p.422.
<https://caselaw.findlaw.com/us-supreme-court/422/806.html>

Last updated on September 12, 2021.

Year published: 1975

Document Author:

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