

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Andrew L. Jackson v. Byran Bartow

Andrew L. Jackson v. Byran Bartow, 930 F.3d 930 (7th Cir. 2019) · No. No. 19-1168 · Decided July 23, 2019

SUMMARY

Andrew Jackson v. Byran Bartow, 930 F.3d 930 (7th Cir. 2019): The Seventh Circuit held that a defendant's unconditional, knowing, and voluntary guilty plea waives any claim of pre-plea constitutional error, including the erroneous denial of the Sixth Amendment right to self-representation under *Faretta v. California*. The court found that the state trial court unreasonably applied *Faretta* by denying self-representation based on the defendant's lack of legal knowledge rather than mental incompetence, but the guilty plea nonetheless waived the claim. The structural nature of the self-representation error does not prevent waiver, and the defendant forfeited any argument that the plea itself was involuntary by failing to raise it in the district court.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	KANNE; HAMILTON; SCUDDER
JURISDICTION	Federal
DECIDED	July 23, 2019
DOCKET	No. 19-1168
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from denial of petition for writ of habeas corpus
STANDARD OF REVIEW	Under AEDPA, habeas relief is available only if the state court decision was contrary to or an unreasonable application of clearly established federal law; the district court's legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published
PARTIES	Andrew L. Jackson v. Byran Bartow

TOPICS

- habeas corpus
- criminal procedure
- sixth amendment
- waiver
- plea bargaining
- appellate procedure
- standard of review

PRACTICE AREAS

Habeas Corpus

Criminal Law

Constitutional Law

Appellate Procedure

QUESTIONS PRESENTED

1. Whether the Wisconsin Court of Appeals unreasonably applied *Faretta v. California* in affirming the denial of Jackson's request for self-representation at trial.
2. Whether Jackson's unconditional guilty plea waived his claim of constitutional error regarding the denial of self-representation.
3. Whether the district court could raise the waiver defense sua sponte when the State did not plead it in its answer.
4. Whether the denial of self-representation is a structural error that overcomes the guilty plea waiver.

HOLDINGS

1. The Wisconsin Court of Appeals unreasonably applied *Faretta* when it relied on Jackson's lack of legal knowledge and skill to deny his request for self-representation, because *Faretta* focuses only on competence as it relates to mental functioning, not skill or knowledge.
2. A valid, unconditional guilty plea waives all pre-plea constitutional violations, including the denial of the right to self-representation at trial, even if that denial is a structural error.

KEY QUOTATIONS

“the right of a criminal defendant to make this (usually) self-defeating choice [of self-representation]” (at 5)

“an unconditional plea of guilty operates as a waiver of all formal defects in the proceedings, including any constitutional violations that occurred before the plea was entered.” (at 6)

“there is no reason to exempt 'structural errors' from waiver” (at 7-8)

“Regardless of whether a habeas claim was fairly presented or defaulted in the state courts, if an argument was not presented to the federal district court, it is forfeited in this court.” (at 8)

FACTUAL BACKGROUND

Jackson was charged in Wisconsin state court with serious offenses including throwing boiling oil at his wife and knifing her. After conflicts with appointed counsel, Jackson requested to represent himself, but the trial court denied the request, finding him incompetent due to lack of knowledge and skill. Jackson later pleaded guilty to several charges and received a 20-year sentence. He then sought post-conviction relief and ultimately habeas corpus, arguing that the denial of self-representation violated his Sixth Amendment rights.

PROCEDURAL HISTORY

The Wisconsin state trial court denied Jackson's request to represent himself at trial; Jackson pleaded guilty; he filed a post-conviction motion to withdraw plea, which was denied; the Wisconsin Court of Appeals affirmed; the Wisconsin Supreme Court denied review; Jackson then filed a federal habeas petition in the Eastern District

of Wisconsin, which was denied by Magistrate Judge Nancy Joseph on the ground that Jackson's guilty plea waived any claim of error; Jackson appeals.

DISPOSITION

affirmed

CASES CITED

- Gomez v. Berge, 434 F.3d 940 (7th Cir. 2006)
- Tatum v. Foster, 847 F.3d 459 (7th Cir. 2017)
- Faretta v. California, 422 U.S. 806 (1975)
- Ward v. Hinsley, 377 F.3d 719 (7th Cir. 2004)
- United States v. Lockett, 859 F.3d 425 (7th Cir. 2017)
- United States v. Stoller, 827 F.3d 591 (7th Cir. 2016)
- Hurlow v. United States, 726 F.3d 958 (7th Cir. 2013)
- United States v. Smith, 618 F.3d 657 (7th Cir. 2010)
- United States v. Gonzalez-Lopez, 548 U.S. 140 (2006)
- McKaskle v. Wiggins, 465 U.S. 168 (1984)
- United States v. Gaya, 647 F.3d 634 (7th Cir. 2011)
- Frazier v. Varga, 843 F.3d 258 (7th Cir. 2016)
- Gomez v. Berge, 2004 WL 1852978 (W.D. Wis. Aug. 18, 2004)