

SUPREME COURT OF THE UNITED STATES

Holloway v. Arkansas

435 U.S. 475 (1978) · No. No. 76-5856 · Decided April 3, 1978

SUMMARY

The Supreme Court held that a trial court violated the defendants’ Sixth Amendment right to effective assistance of counsel by denying timely motions for separate counsel despite defense counsel’s representations that joint representation created a probable conflict of interest. The Court held that reversal was automatic when joint representation was improperly required over timely objection, without requiring a specific showing of prejudice.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                        |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of the United States                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Chief Justice Burger; Justice Brennan; Justice Marshall; Justice Powell; Justice Stewart; Justice White; Justice Blackmun; Justice Rehnquist                                                                                                                           |
| JURISDICTION          | Federal                                                                                                                                                                                                                                                                |
| DECIDED               | April 3, 1978                                                                                                                                                                                                                                                          |
| DOCKET                | No. 76-5856                                                                                                                                                                                                                                                            |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Petitioners sought review of their Arkansas convictions after the Arkansas Supreme Court affirmed, arguing that the denial of their timely motions for separate counsel violated their Sixth Amendment right to effective assistance of counsel.                       |
| STANDARD OF REVIEW    | Constitutional review of whether the trial court's handling of conflicting joint representation deprived defendants of the effective assistance of counsel; reversal is automatic when a trial court improperly requires joint representation over a timely objection. |
| PRECEDENTIAL VALUE    | binding                                                                                                                                                                                                                                                                |
| PARTIES               | Holloway, Campbell, Welch v. Arkansas                                                                                                                                                                                                                                  |

TOPICS

- criminal procedure
- right to counsel
- ineffective assistance
- sixth amendment
- fourteenth amendment

## PRACTICE AREAS

criminal procedure

constitutional law

criminal defense

## QUESTIONS PRESENTED

1. Whether the trial court violated petitioners' Sixth Amendment right to effective assistance of counsel by denying timely motions for separate counsel after appointed counsel represented that joint representation created a probable conflict of interest.
2. Whether reversal required proof of specific prejudice when the trial court improperly required joint representation over a timely objection.

## HOLDINGS

1. When defense counsel timely represents to the trial court, as an officer of the court, that joint representation creates a probable conflict of interest, the court must either appoint separate counsel or take adequate steps to determine whether the risk is too remote to warrant separate counsel. The trial court's failure to do so deprived petitioners of their Sixth Amendment guarantee of assistance of counsel.
2. When a trial court improperly requires joint representation over a timely objection, reversal is automatic and the defendant need not demonstrate specific prejudice.

## KEY QUOTATIONS

*"We hold that the failure, in the face of the representations made by counsel weeks before trial and again before the jury was empaneled, deprived petitioners of the guarantee of "assistance of counsel." (484)*

*"We read the Court's opinion in Glasser, however, as holding that whenever a trial court improperly requires joint representation over timely objection reversal is automatic." (488-489)*

*"The mere physical presence of an attorney does not fulfill the Sixth Amendment guarantee when the advocate's conflicting obligations have effectively sealed his lips on crucial matters." (490-491)*

## FACTUAL BACKGROUND

Three men robbed a Little Rock restaurant, during which two employees were raped. Holloway, Campbell, and Welch were arrested and charged with one count of robbery and two counts of rape each. The trial court appointed one public defender to represent all three defendants, despite counsel's repeated representations that confidential information created a probable conflict of interest and despite the defendants' decisions to testify. Counsel was unable to meaningfully examine or cross-examine the codefendants, and all three were convicted.

## PROCEDURAL HISTORY

Three codefendants were charged with robbery and rape and were represented by one appointed public defender. Defense counsel twice moved for separate counsel based on a probable conflict of interest, but the trial court denied the motions and required counsel to represent all three defendants at their consolidated trial. The defendants were convicted, and the Arkansas Supreme Court affirmed after finding no demonstrated actual conflict or prejudice. The United States Supreme Court granted certiorari, reversed, and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

Reverse the convictions and remand for further proceedings not inconsistent with the opinion.

## CASES CITED

- Glasser v. United States, 315 U.S. 60 (1942)
- Jackson v. Denno, 378 U.S. 368 (1964)
- United States ex rel. Hart v. Davenport, 478 F.2d 203 (3d Cir. 1973)
- Lollar v. United States, 126 U.S. App. D.C. 200, 376 F.2d 243 (1967)
- People v. Chacon, 69 Cal. 2d 765, 447 P.2d 106 (1968)
- State v. Kennedy, 8 Wash. App. 633, 508 P.2d 1386 (1973)
- United States v. Lovano, 420 F.2d 769 (2d Cir. 1970)
- United States v. Lawriw, 568 F.2d 98 (8th Cir. 1977)
- United States v. Carrigan, 543 F.2d 1053 (2d Cir. 1976)
- United States v. Foster, 469 F.2d 1 (1st Cir. 1972)
- Foxworth v. Wainwright, 516 F.2d 1072 (5th Cir. 1975)
- United States v. Williams, 429 F.2d 158 (8th Cir. 1970)
- Shuttle v. Smith, 296 F. Supp. 1315 (D. Vt. 1969)
- State v. Davis, 110 Ariz. 29, 514 P.2d 1025 (1973)
- State v. Brazile, 226 La. 254, 75 So. 2d 856 (1954)
- Commonwealth v. LaFleur, 1 Mass. App. 327, 296 N.E.2d 517 (1973)
- United States v. Dardi, 330 F.2d 316 (2d Cir. 1964), cert. denied, 379 U.S. 845 (1964)
- People v. Kroeger, 61 Cal. 2d 236, 390 P.2d 369 (1964)
- Austin v. Erickson, 477 F.2d 620 (8th Cir. 1973)
- United States v. Gougis, 374 F.2d 758 (7th Cir. 1967)
- Hall v. State, 63 Wis. 2d 304, 217 N.W.2d 352 (1974)
- Commonwealth ex rel. Whitling v. Russell, 406 Pa. 45, 176 A.2d 641 (1962)
- United States v. Woods, 544 F.2d 242 (6th Cir. 1976), cert. denied, 430 U.S. 969 (1977)
- Tumey v. Ohio, 273 U.S. 510 (1927)
- Chapman v. California, 386 U.S. 18 (1967)
- Gideon v. Wainwright, Gideon v. Wainwright, 372 U.S. 335 (1963)
- Hamilton v. Alabama, 368 U.S. 52 (1961)
- White v. Maryland, 373 U.S. 59 (1963)
- Schneble v. Florida, 405 U.S. 427 (1972)

- *Harrington v. California*, 395 U.S. 250 (1969)
- *Hamling v. United States*, 418 U.S. 87 (1974)
- *United States v. Valle-Valdez*, 554 F.2d 911 (9th Cir. 1977)
- *United States v. DeBerry*, 487 F.2d 448 (2d Cir. 1973)
- *United States v. Donahue*, 560 F.2d 1039 (1st Cir. 1977)
- *EPA v. Mink*, 410 U.S. 73 (1973)
- *Vaughn v. Rosen*, 157 U.S. App. D.C. 340, 484 F.2d 820 (1973), cert. denied, 415 U.S. 977 (1974)
- *Allen v. District Court*, 184 Colo. 202, 519 P.2d 351 (1974)

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