

Sixth Amendment Permits Defendant To Insist On Not Conceding Guilt For First-Degree Murder

14 May 2018

Robert McCoy was charged with first-degree murder for killing his estranged wife's mother, stepfather, and son. The evidence was damning, but McCoy insisted that he was innocent. His attorney at trial, Larry English, decided that the best strategy in the face of the evidence was to admit to the jury that McCoy committed the murders, but argue that his mental state precluded him from having the necessary specific intent for first-degree murder, thereby saving him from the death penalty. The jury found McCoy guilty on all three murders and sentenced him to death. McCoy sought a new trial, and the Louisiana Supreme Court rejected the plea, holding that English had the authority to strategically concede guilt. The Court, in an opinion by Justice Ginsburg, reversed, holding that the Sixth Amendment guarantees a defendant the right to choose the objective of his defense and insist that his counsel not concede guilt, even when that counsel's experienced opinion is that conceding guilt would be the best chance to avoid the death penalty. The Court also did not find any ethical issue with English permitting McCoy to insist on his innocence, even though English did not believe his story. Justice Alito, joined by Justices Thomas and Gorsuch, dissented, arguing that English's concession as to the killings was not a concession that his client committed first-degree murder, and that the "highly unusual facts" of the case did not warrant the creation of any new right. A link to the opinion in *McCoy v. Louisiana* is [here](#).

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TAGGED: Sixth Amendment, death penalty, First-degree murder, McCoy v. Louisiana