

COA Opinion: Denial of constitutional right of self-representation requires meaningful assessment; a life sentence where minimum sentencing guidelines range is nine to 46 months is disproportionate

17. August 2011 By Julie Lam

A jury convicted defendant Anthony Brooks of entering without breaking with intent to commit larceny, and the Wayne County Circuit Court imposed a life sentence. On August 16, 2011, the Court of Appeals, in a unanimous published opinion in [People v. Brooks, No. 298299](#), vacated Brooks's conviction and sentence, and remanded the case for a new trial. The Court of Appeals held that the trial court had deprived Brooks of his Sixth Amendment right of self-representation, which constitutes a structural error requiring automatic reversal. The Court of Appeals also determined that the trial court abused its discretion in its departure from the minimum sentencing guidelines range of nine to 46 months by imposing a disproportionate life sentence.

Brooks had attempted on three occasions to proceed *in propria persona* in the trial court. The trial court denied Brooks's request without ascertaining whether he could knowingly, intelligently and voluntarily waive assistance of counsel. The Court of Appeals determined that the trial court failed to "engage, on the record, in a methodical assessment of the wisdom of self-representation by the defendant." Instead, the trial court improperly denied self-representation on the basis of Brooks's inability to show a grasp of the substantive rules of criminal law and familiarity with the court rules and rules of procedure. Further, the Court of Appeals concluded that the trial court neglected to conduct an inquiry into Brooks's competency, emphasizing the critical distinctions between competency to stand trial and competency to waive right to counsel and conduct his own defense.

The trial court imposed a life sentence based on Brooks's criminal history and recidivist behavior, consisting of 12 prior felony convictions and three prior misdemeanor convictions since 1982. Though recognizing a trial court's discretion in departing from the minimum sentencing guidelines range in "exceptional cases," the Court of Appeals found that "a life sentence falls outside the range of principled outcomes, even for a repeat offender, where the current charge essentially amounted to trespassing."