

# THE CAPITAL APPEALS PROJECT

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The Honorable Scott S. Harris  
Clerk of Court  
1 First Street, NE  
Washington, DC 20543

Re: *Jeffrey Clark v. Louisiana*, No. 16-9541  
**Supplemental Letter Brief and Request to hold pending this Court's  
Decision in *McCoy v. Louisiana*, 16-8255**

October 2, 2017

Dear General Harris,

The above captioned case has been distributed for the conference of October 13, 2017. The petition raised four questions. The fourth question was:

**4. *Whether the Louisiana Supreme Court's rule – that an indigent defendant must accept his trial counsel's decision to concede his guilt of second degree murder over his express objections or represent himself – vitiates the voluntariness of petitioner's waiver of counsel?***

In *McCoy v. Louisiana*, this Court granted certiorari on the following question:

**1. *Is it unconstitutional for defense counsel to concede an accused's guilt over the accused's express objection?***

Petitioner respectfully asks this Court to hold his petition pending resolution of *McCoy v. Louisiana*. In his initial petition, Petitioner noted that this Court was considering *McCoy v. Louisiana*, and asked that the Court hold the case. See Pet. Cert., at 33. If the Court does not grant certiorari on the other questions in the petition, Mr. Clark would respectfully request that his case be held for resolution pending the briefing, argument and decision in *McCoy*.

Sincerely,



G. Ben Cohen

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