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SUPREME COURT OF THE UNITED STATES

Syllabus

SULLIVAN v. LOUISIANA

CERTIORARI TO THE SUPREME COURT OF LOUISIANA

No. 92-5129. Argued March 29, 1993—Decided June 1, 1993

The jury instructions in petitioner Sullivan's state-court trial for first-degree murder included a definition of "reasonable doubt" that was essentially identical to the one held unconstitutional in *Cage v. Louisiana*, 498 U. S. 39 (*per curiam*). The jury entered a verdict of guilty, and Sullivan was sentenced to death. In upholding the conviction on direct appeal, the Supreme Court of Louisiana held that the erroneous instruction was harmless beyond a reasonable doubt.

Held: A constitutionally deficient reasonable-doubt instruction cannot be harmless error. Pp. 2-7.

(a) Sullivan's Sixth Amendment right to jury trial was denied by the giving of a constitutionally deficient beyond-a-reasonable-doubt instruction. The Fifth Amendment requirement of proof beyond a reasonable doubt, see, e.g., *In re Winship*, 397 U. S. 358, 364, and the Sixth Amendment requirement that the jury, rather than the judge, reach the requisite finding of "guilty," are interrelated: The required jury verdict is a verdict of guilt beyond a reasonable doubt. The Court's opinion in *Cage*, which held that an instruction of the sort given here does not produce such a verdict, is controlling. Pp. 2-3.

(b) The giving of a constitutionally deficient reasonable-doubt instruction is among those constitutional errors that require reversal of a conviction, rather than those that are amenable to harmless-error analysis. See *Chapman v. California*, 386 U. S. 18, 24. Consistent with the jury-trial guarantee, *Chapman* instructs a reviewing court to consider the actual effect of the error on the guilty verdict in the case at hand. Since in petitioner's case there has been no jury verdict within the meaning of the Sixth Amendment, the premise for harmless-error analysis is absent. Unlike an erroneous presumption regarding an element of the offense, see *Sandstrom v. Montana*, 442 U. S. 510, a deficient reasonable-doubt

instruction vitiates all the jury's factual findings. A reviewing court in such a case can only engage in pure speculation—its view of what a reasonable jury would have done. When it does that, the wrong entity judges the defendant guilty. Moreover, denial of the right to a jury verdict of guilt beyond a reasonable doubt, the consequences of which are necessarily unquantifiable and indeterminate, is certainly a “structural defec[t] in the constitution of the trial mechanism, which def[ies] analysis by ‘harmless-error’ standards” under *Arizona v. Fulminante*, 499 U. S. ___, ___ (opinion of REHNQUIST, C. J., for the Court). Pp. 3–7.

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596 So. 2d 177, reversed and remanded.

SCALIA, J., delivered the opinion for a unanimous Court.
REHNQUIST, C. J., filed a concurring opinion.