

ROBERTS, C. J., concurring

SUPREME COURT OF THE UNITED STATES

No. 07–440

WALTER A. ROTHGERY, PETITIONER *v.* GILLESPIE
COUNTY, TEXAS

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

[June 23, 2008]

CHIEF JUSTICE ROBERTS, with whom JUSTICE SCALIA
joins, concurring.

JUSTICE THOMAS’s analysis of the present issue is compelling, but I believe the result here is controlled by *Brewer v. Williams*, 430 U. S. 387 (1977), and *Michigan v. Jackson*, 475 U. S. 625 (1986). A sufficient case has not been made for revisiting those precedents, and accordingly I join the Court’s opinion.

I also join JUSTICE ALITO’s concurrence, which correctly distinguishes between the time the right to counsel attaches and the circumstances under which counsel must be provided.