



Agenda Submittal

Agenda #: 27 **Status:** Regular Calendar
Type: Presentation **Department:** Public Defender
File #: 13-0207 **Contact:** Lesli Caldwell, 784-6899
Agenda date: 3/26/2013 **Final action:** 3/26/2013
Title: Receive a presentation from the Office of the Public Defender on the 50th Anniversary of the Gideon v. Wainwright decision

Governing body: Board of Supervisors
District: All
Attachments: 1. A - PowerPoint, 2. Minute Order.pdf

Date	Ver.	Action By	Action	Result
3/26/2013	1	Board of Supervisors	Received	

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

It is recommended that the Board of Supervisors receive a presentation by the Office of the Public Defender on the 50th Anniversary of the United States Supreme Court decision; *Gideon v. Wainwright* confirming the right of indigent defendants to free counsel.

SUMMARY/DISCUSSION:

Fifty years ago, on March 18, 1963 the United States Supreme Court ruled that anyone too poor to hire a lawyer must be provided court appointed counsel free of charge in any criminal case involving a felony charge. The holding in *Gideon v. Wainwright* enlarged the Constitution's safeguards of liberty and equality, finding the right to counsel "fundamental". The goal was "fair trials before impartial tribunals in which every defendant stands equal before the law."

This principle has been expanded by the US Supreme Court to cover misdemeanor cases, appeals, juvenile delinquency and then California further expanded the right to other cases involving the potential deprivation of substantial rights.

In 1961 Clarence Gideon was accused of robbing a local pool hall, a felony in the state of Florida. At trial, Gideon, who was indigent, asked the court to appoint counsel for his defense. Under Florida law, counsel was only provided by the state in capital cases, and Gideon's request was denied. Gideon was forced to represent himself, and he was found guilty by a jury and sentenced to five years in prison.

Gideon appealed his denial of counsel all the way up to the United States Supreme Court, writing each appeal himself by hand from his jail cell. A clerk in the Court came across the hand written petition and the United States Supreme Court agreed to hear the case and appointed future Supreme Court Justice Abe Fortas to argue for Gideon.

In a unanimous decision the court found that counsel was required for a fair criminal trial in all circumstances.

Justice Hugo Black wrote: "Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can afford to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that *lawyers in criminal courts are necessities, not luxuries.*"

Gideon's case was remanded for a new trial, this time with a court-appointed attorney. The jury found Gideon not guilty. It was shown that the government's chief witness was an accomplice to the actual culprit.

To deny someone the opportunity to have an advocate to walk him through the criminal justice system and to help him exercise his constitutional rights because he can't afford an attorney is a grave injustice that *Gideon v. Wainright* remedied.

The attorneys employed by the Office of the Solano County Public Defender, consistent with attorneys in public defender offices across this nation, continue every day to carry out the holding of *Gideon* ensuring that regardless of economic status all persons who face deprivation of constitutional and substantial rights are treated equally, fairly and with dignity in all court proceedings.

FINANCIAL IMPACT:

No financial impact is associated with this item.

ALTERNATIVES:

The Board of Supervisors could choose not to receive this presentation on the 50th Anniversary of the United States Supreme Court decision; *Gideon v. Wainright*. This alternative is not recommended.

OTHER AGENCY INVOLVEMENT:

The County Administrator's Office concurs with Department's request.

CAO RECOMMENDATION:

APPROVE DEPARTMENT RECOMMENDATION