



Legislation Text

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Clerk 03/12/2003

A MOTION in recognition of the fortieth anniversary of the Supreme Court decision *Gideon v. Wainwright* affirming the constitutional right of all to legal representation when accused of a crime, regardless of economic circumstance and recognizing the contribution of the county's public defender agencies.

WHEREAS, Clarence Earl Gideon was charged with breaking into a Florida poolroom on June 3, 1961, and stealing coins from a cigarette machine. He asserted his innocence, and

WHEREAS, Gideon's request for counsel was denied, and this fifty-one-year-old indigent individual with an eighth-grade education defended himself against the legal case presented by the state's prosecuting attorney. He was convicted of felony breaking and entering with intent to commit a misdemeanor, and was sentenced to five years in state prison, and

WHEREAS, Gideon submitted a handwritten petition to the United States Supreme Court from his Florida prison cell, arguing that the United States Constitution does not allow poor people to be convicted and sent to prison without legal representation. Twenty-two state attorneys general submitted a brief supporting him, and

WHEREAS, on March 18, 1963, the United States Supreme Court unanimously ruled that Gideon's trial and conviction without the assistance of counsel was fundamentally unfair and violated the Sixth and Fourteenth Amendments to the United States Constitution. It is an "obvious truth," the court stated, that "in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him," and

WHEREAS, at his retrial with the assistance of counsel, Clarence Earl Gideon was acquitted, and

WHEREAS, forty years later King County's system for the provision of indigent defense seeks to ensure that all individuals charged with a crime are represented and ensured of a fair trial. The county's system of independent public defense through four defender agencies provides a model level of service and full representation to all needing defense services. Each agency has shown a strong and continuing commitment to providing representation to every citizen regardless of race, creed or economic circumstance. Providing defense services for adults in superior, district and municipal courts; for juveniles charged with crimes of representing juveniles in certain civil matters, the county's defender agencies have been recognized nationally as a model of how defender services can be provided, and

WHEREAS, as the county has sought to develop a policy framework for making the county's criminal justice system more efficient and effective through the Adult Justice Operational Master Plan, the county's public defender agencies have participated to ensure the rights of the accused are represented in the development of policy while also making recommendations to improve the system and to reduce overall system costs, and

WHEREAS, the county's newly restructured office of the public defender shows the county's continued commitment to indigent defense even in times of budget deficits and county program cutbacks;

NOW, THEREFORE, ET IT MOVED by the Council of King County:

That the councils recognizes the fortieth anniversary of the *Gideon v. Wainwright*

decision and the continuing contribution of the county's public defender agencies to the constitutional right to indigent representation.