

SENATE RESOLUTION NO. 20

Senators Chang, Bayer and Geiss offered the following resolution:

1 A resolution to commemorate the 60th anniversary of *Gideon v.*
2 *Wainwright*, the Supreme Court of the United States (SCOTUS)
3 decision that guaranteed the right to an attorney for individuals
4 accused of a crime.

5 Whereas, Public defenders, appointed counsel, investigators,
6 mitigation specialists, and core staff in Michigan work every day
7 to meet the needs of people facing loss of liberty and are a
8 critical part of maintaining a fair justice system; and

9 Whereas, This dynamic was addressed sixty years ago in the
10 case of Clarence Earl Gideon, a 51-year-old man with an eighth-
11 grade education, whose conviction without a lawyer was ruled

1 unconstitutional by SCOTUS; and

2 Whereas, On March 18, 1963, SCOTUS unanimously ruled that
3 impoverished individuals have a constitutional right to an attorney
4 when faced with imprisonment; and

5 Whereas, SCOTUS said "in our adversary system of criminal
6 justice, any person hauled into court, who is too poor to hire a
7 lawyer, cannot be assured a fair trial unless counsel is provided
8 for him"; and

9 Whereas, Section 20 of Article I of the Michigan Constitution
10 of 1963 guarantees that an accused person shall have the right to
11 the assistance of counsel for their defense; and

12 Whereas, The Sixth and Fourteenth Amendments to the United
13 States Constitution guarantee impoverished individuals the right to
14 counsel where the prosecution may result in the actual deprivation
15 of liberty; and

16 Whereas, For more than fifty years, the State Appellate
17 Defender Office has represented people appealing their criminal
18 convictions, and for almost forty years the Michigan Appellate
19 Assigned Counsel has provided similar representation; and

20 Whereas, This representation has ensured protection under the
21 state and federal constitutions and has resulted in exonerations of
22 innocent people, years of lives saved through correction of trial,
23 pleas, and sentencing errors, and the return to the community of
24 individuals formerly sentenced to life without parole as children;
25 and

26 Whereas, In 2013, the Michigan Indigent Defense Commission was
27 created after decades of efforts to improve Michigan's trial-level
28 indigent defense system and was charged with creating and
29 overseeing the implementation and enforcement of minimum standards

1 to ensure indigent defense services consistently deliver effective
2 assistance of counsel; and

3 Whereas, The Michigan Indigent Defense Commission has enacted
4 and secured funding for needed reforms to protect the rights of
5 people unable to afford counsel and facing criminal charges,
6 including requiring counsel at arraignment, timely and confidential
7 attorney meetings, annual training of defenders representing
8 indigent clients, adequate resources for experts and investigators,
9 and the separation of the administration of indigent defense from
10 the judiciary; now, therefore, be it

11 Resolved by the Senate, That the members of this legislative
12 body commemorate the 60th anniversary of *Gideon v. Wainwright*, the
13 Supreme Court of the United States (SCOTUS) decision that
14 guaranteed the right to an attorney for individuals accused of a
15 crime; and be it further

16 Resolved, That we rededicate ourselves to our core value of
17 equal justice under law. The criminal legal system could not
18 operate without dedicated and zealous defenders.