



# RESOLUTION No. \_\_\_\_\_

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION PROCLAIMING MARCH 18, 2023 AS PUBLIC DEFENSE DAY IN NEVADA COUNTY

**WHEREAS**, the Nevada County Board of Supervisors would like to recognize the vital work of public defense and the 60<sup>th</sup> anniversary of the United States Supreme Court ruling in *Gideon vs. Wainwright*, reaffirming the principles of equal justice for all regardless of income; and

**WHEREAS**, on March 18, 1963, the United States Supreme Court unanimously ruled that the right of a poor person in a criminal trial to have the assistance of counsel is fundamental and essential to a fair trial, and trial and conviction without the assistance of counsel violated the Sixth and Fourteenth Amendments to the United States Constitution; and

**WHEREAS**, the court based its ruling on the case of Clarence Earl Gideon, a poor man with an eighth- grade education arrested for a pool hall burglary in which about five dollars, several beers, and a few bottles of soda were stolen. In court, Mr. Gideon proclaimed his innocence and asked for a lawyer. The judge told him that anyone too poor to hire a lawyer had to represent himself. Mr. Gideon tried his best, but a jury convicted him, and the judge sentenced him to five years in state prison; and

**WHEREAS**, from his Florida prison cell, Mr. Gideon submitted a handwritten petition to a higher court, arguing that the United States Constitution does not allow poor people to be convicted and sent to prison without legal representation; and

**WHEREAS**, the United States Supreme Court found that “reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth”; and

**WHEREAS**, the United State Supreme Court reversed Mr. Gideon’s conviction and granted him a new trial, ordering that he be provided a lawyer. With the assistance of counsel, Mr. Gideon was acquitted; and

**WHEREAS**, the Office of the Nevada County Public Defender is committed to upholding the Constitution, while providing the hope of community reintegration regardless of income.

**NOW, THEREFORE, BE IT RESOLVED** that the Nevada County Board of Supervisors, in commemoration of the 60<sup>th</sup> anniversary of the decision mandating the right of counsel to the poor, hereby reaffirm our commitment to ensuring equal justice regardless of income and our support for our Public Defender and Indigent Defense bar, and hereby proclaim March 18, 2023, as “Public Defense Day” in Nevada County.