

By: Smith

H.R. No. 455

R E S O L U T I O N

1 WHEREAS, March 18, 2023, marks the 60th anniversary of the
2 landmark Supreme Court ruling in *Gideon v. Wainwright*, which found
3 that under the United States Constitution, state courts must
4 provide attorneys to indigent defendants in all felony cases; and

5 WHEREAS, In *Gideon v. Wainwright*, the United States Supreme
6 Court reaffirmed the right of defendants to a fair trial and
7 recognized that our adversarial system of criminal justice depends
8 upon a fair contest between the prosecution and the defense;
9 moreover, it acknowledged that this system is an effective means of
10 arriving at just results only when both the prosecution and the
11 defense are adequately prepared and equipped to present their case
12 effectively under the law; and

13 WHEREAS, Justice Hugo Black, who wrote the unanimous
14 decision, noted: "The right of one charged with crime to counsel may
15 not be deemed fundamental and essential to fair trials in some
16 countries, but it is in ours"; the Supreme Court has expanded on its
17 rationale in *Gideon v. Wainwright* to ensure the right to counsel for
18 indigent defendants in juvenile cases and in all cases that carry
19 the possibility of incarceration for defendants; and

20 WHEREAS, Because the assistance of counsel is essential to
21 effectuate a meaningful defense when faced with prosecution by the
22 state, Texas passed the Fair Defense Act of 2001 to better ensure
23 that the constitutional rights of all Texans would be more reliably
24 safeguarded; implementation of the Act has enabled many more people

1 to receive public defense services and earlier access to counsel,
2 and it has improved the quality of legal assistance provided; and

3 WHEREAS, The Fair Defense Act created the Task Force on
4 Indigent Defense, now known as the Texas Indigent Defense
5 Commission, to provide technical support to counties to develop and
6 maintain quality, cost-effective public defense systems, as well as
7 to offer financial assistance to meet the new requirements and to
8 foster innovation in the way public defense services are provided;
9 state grant funds administered by the commission have led to the
10 creation of several new public defender offices and managed
11 assigned counsel programs to provide public defense services in
12 more than 70 counties; and

13 WHEREAS, Affirming essential principles of fairness and
14 justice, *Gideon v. Wainwright* marked a turning point in American
15 jurisprudence, and it is indeed fitting to recognize the vital role
16 this decision has played over the past half century in guaranteeing
17 access to counsel for all; now, therefore, be it

18 RESOLVED, That the House of Representatives of the 88th Texas
19 Legislature hereby commemorate the 60th anniversary of the Supreme
20 Court's decision in *Gideon v. Wainwright*.