

By: Herrero

H.R. No. 808

R E S O L U T I O N

1 WHEREAS, March 18, 2013, marks the 50th 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 recognized that our adversarial system of criminal justice
7 depends upon a fair contest between the prosecution and the
8 defense, and that this system is an effective means of arriving at
9 just results only when both the prosecution and the defense are
10 adequately prepared and equipped to present their case effectively
11 under the law; and

12 WHEREAS, Justice Hugo Black, who wrote the unanimous
13 decision, noted: "From the very beginning, our state and national
14 constitutions and laws have laid great emphasis on procedural and
15 substantive safeguards designed to assure fair trials before
16 impartial tribunals in which every defendant stands equal before
17 the law. This noble ideal cannot be realized if the poor man charged
18 with crime has to face his accusers without a lawyer to assist him";
19 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 new state grant funds administered by the commission have led to the
10 creation of 13 public defender offices and 3 managed assigned
11 counsel programs to provide public defense services in more than
12 180 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 83rd Texas
19 Legislature hereby commemorate the 50th anniversary of the Supreme
20 Court's decision in *Gideon v. Wainwright*.