

SENATE RESOLUTION NO. 479

WHEREAS, The Senate of the State of Texas is pleased to recognize the 50th anniversary of the United States Supreme Court decision in *Gideon v. Wainwright*; and

WHEREAS, It was 50 years ago on March 18, 1963, that the United States Supreme Court unanimously decided the landmark case of *Gideon v. Wainwright* and ruled that state courts are required under the Constitution to provide counsel in criminal cases for defendants who are unable to afford to pay their own attorneys; and

WHEREAS, The court thus recognized that our adversarial system of criminal justice depends upon a fair contest between the prosecution and the defense, and it further recognized that the adversarial system is an effective means of arriving at just results only when both the prosecution and defense are adequately prepared and equipped to present their case effectively under the law; and

WHEREAS, In the words of Justice Hugo Black, "This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him"; and

WHEREAS, Because the assistance of counsel is essential to effectuate a meaningful defense when faced with prosecution by the state, Texas passed the *Fair Defense Act of 2001* to better ensure that the constitutional rights of all Texans would be more reliably safeguarded; and

WHEREAS, Implementation of the Fair Defense Act has led to many more people receiving public defense services, along with earlier access to counsel and improved quality of the services provided; and

WHEREAS, The Fair Defense Act created the Task Force on Indigent Defense, now known as the Texas Indigent Defense Commission, to provide technical support to counties to develop and maintain quality, cost-effective public defense systems and for the first time to provide financial assistance to meet the new requirements and foster innovation in the way public defense services are provided; and

WHEREAS, The new state grant funds administered by the commission have led to the creation of 13 new public defender offices and three managed assigned counsel programs to provide public defense services in more than 180 counties; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby affirm that the principles of fairness and justice recognized in *Gideon v. Wainwright* represent an important and historic step forward in American justice and, upon this occasion of the 50th anniversary of *Gideon v. Wainwright*, recognize and salute the important work being done across the United States and the State of Texas to ensure fairness and justice by guaranteeing access to counsel for all; and, be it further

RESOLVED, That a copy of this Resolution be prepared to commemorate the 50th anniversary of this landmark decision.

Ellis

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on March 18, 2013.

Secretary of the Senate

Member, Texas Senate