

SEATA MUNICIPAL COURT

YOUR CITY. YOUR COURT.

“Gideon vs. Wainwright – 50 years”

Of Note:

- The US Supreme Court issued its unanimous decision in Gideon v. Wainwright on March 18, 1963.
- Before the decision in Gideon, defense attorneys were generally provided only in death-penalty cases or “complex” cases.
- As a result of the decision in the Gideon case, approximately 2,000 convicted people were freed in Florida alone.
- Although Gideon himself was not freed as a result of the decision, after the Supreme Court decided in his favor, Clarence Gideon was retried on the charge of burglary on August 5, 1963 with the aid of an attorney and found not guilty.

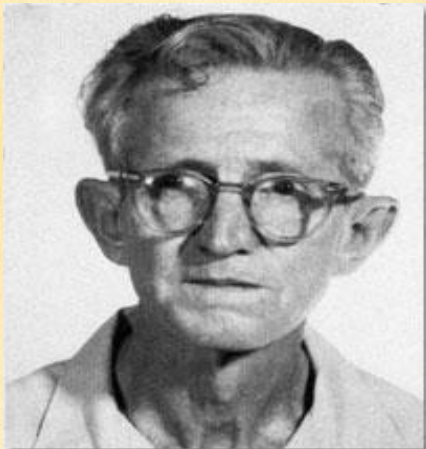
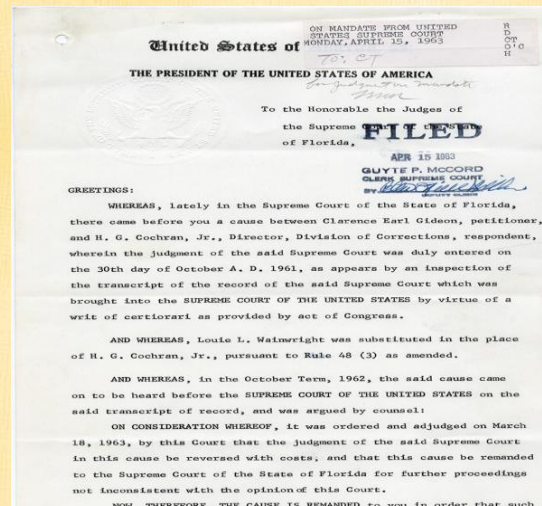


Photo courtesy of Florida Department of Corrections.

On June 3, 1961, Clarence Gideon, a homeless drifter, was charged with burglary for stealing five dollars in change and a few bottles of beer and soda from a pool room. He asked the trial court for an attorney, and his request was denied. He was convicted and was sentenced to the maximum penalty, five years in prison. After exhausting remedies in the Florida Court system, he filed a handwritten appeal with the United States Supreme Court. The US Supreme Court, in its decision authored by Justice Hugo Black, held that the Sixth Amendment’s guarantee of counsel is a fundamental right essential to a fair trial, and Gideon’s trial and conviction without the assistance of counsel violated the Fourteenth Amendment. Justice Black stated that “reason and reflection require us to recognize that in our adversary system of criminal justice, any person...who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him” *(Continued on next page....)*



“The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman.....is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue, or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.” – Justice Sutherland, Powell v. Alabama, 287 US at 68-69.

DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

In The Supreme Court of The United States
Washington D.C.

Clarence Earl Gideon }
Petitioner }
vs. } Petition for a writ
A.G. Cochran, Jr, as } of Certiorari directed
Director, Division } to The Supreme Court
of Corrections State } State of Florida.
of Florida } No. - 890 Misc.
U. S. Supreme Court
OCT. TERM 1961

To: The Honorable Earl Warren, Chief
Justice of the United States

Come now The petitioner, Clarence
Earl Gideon, a citizen of The United States
of America, in proper person, and appearing
as his own counsel, who petitions this
Honorable Court for a Writ of Certiorari
directed to The Supreme Court of The State
of Florida, To review the order and judg-
ment of the court below denying The
petitioner a writ of Habeas Corpus.

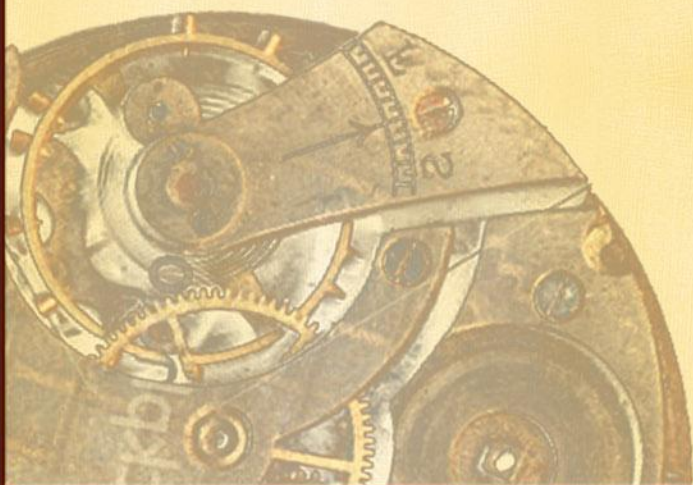
Petitioner submits that The Supreme
Court of The United States has the authority
and jurisdiction to review The final judg-
ment of The Supreme Court of The State
of Florida The highest court of The State
Under sec. 344(B), Title 28 U.S.C.A. and
because The "Due process clause" of The

Gideon – 50 years (continued from previous page....)

Gideon's success had far reaching affects across the nation and ensured that, no matter how small the jurisdiction, no matter how minor the offense, each person charged with a crime facing the possibility of jail would be provided with an attorney to help present his or her defense. Justice Black stated, "That government hires lawyers to prosecute and defendants, who have the money, hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries." The Court concluded that the Sixth Amendment right to counsel is fundamental and essential to fair trials in the United States.

While Washington was still a territory in 1854, its legislative body established a right to counsel at public expense for defendants who were unable to hire an attorney. The right to an attorney has since been refined with the adoption of public defense standards by the state legislature, and even more recently, with our State Supreme Court's adoption and refinement of public defense standards. These refinements help ensure that everyone charged with a crime is not only represented by an attorney, but represented by competent counsel with adequate resources. Given the complexities of the laws today, providing counsel to persons charged with criminal offenses assures each person protection of his or her constitutional rights, presentation of his or her legal defenses, and reduces the amount of appellate litigation alleging inadequate representation.

Copy of Gideon's petition to the US Supreme Court, courtesy of National Archives Transcription Pilot Project.

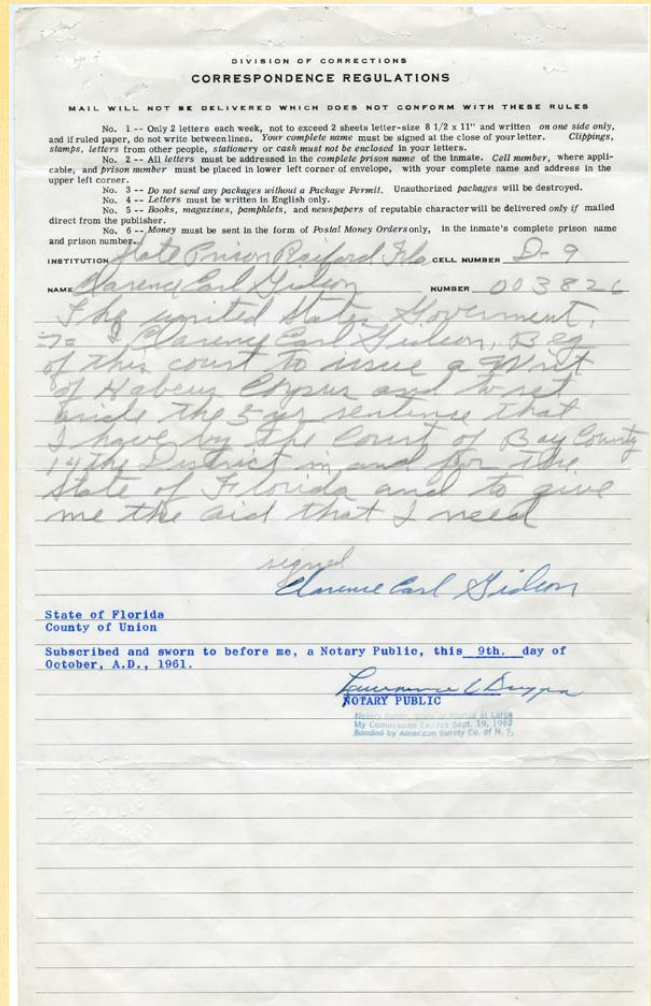


Gideon v. Wainwright was one example of the US Supreme Court's affirmation of the constitutional rights of criminal defendants during the 1950s and 1960s. Miranda v. Arizona was decided in 1966, and set the standard for advisement of defendant's rights after arrest, including the right to remain silent and the right to an attorney during questioning..

Does the Gideon decision extend the right to an attorney for civil matters?

The Gideon decision only covered the right to an attorney for people charged with criminal offenses. The decision did not extend to cases that involved civil disputes such as foreclosure, eviction, loss of parental rights, or employment discrimination.

Regarding access to legal services and the affordability of legal services, the United States ranks 66 out of 98 countries according to the World Justice Project, a non-profit organization that works to advance the rule of law word wide. More people are now representing themselves in court and are failing to present their cases effectively. Unfamiliarity with court rules and procedures, witness examination techniques, legal issues, and available legal defenses mean potential loss of available civil remedies, civil rights, parental rights, or property rights. Washington Courts' website (www.courts.wa.gov) provides resources for the public, including guides for self-represented persons in Superior Court civil proceedings as well as Municipal Court and District Court. The website also includes a link to Coordinated Legal Education, Advice and Referral system (CLEAR), which is a toll-free telephone service provided by Northwest Justice Project for eligible low-income people to obtain free legal assistance with civil legal problems. For more information about CLEAR and other legal resources, visit the Northwest Justice Project website, www.nwjustice.org.



Excerpt from Clarence Earl Gideon's petition to the Florida Supreme Court, courtesy, State Archives of Florida.



If you need to go to court, keep in mind that court staff are not attorneys and are restricted by law from giving legal advice. They cannot tell you if your paperwork is filled out correctly. For forms on-line visit: www.courts.wa.gov/forms. For state and local court rules, go to www.courts.wa.gov/court_rules/.

"If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court, and if the Supreme Court had not taken the trouble to look at the merits in that one crude petition among all the bundles of mail it must receive every day, the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter, the Court did look into his case, he was re-tried with the help of competent defense counsel, found not guilty and released from prison after two years of punishment for a crime he did not commit. And the whole course of legal history has been changed." – Robert F. Kennedy

JULY, 2013

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Washington is ranked 50th out of our 50 United States in regards to state funding of our courts. Washington Courts receive less than one percent of the state budget. The lack of state funding results in discontinuation of invaluable court programs and services designed to assist those in need when local jurisdictions can no longer afford to fund those programs. Please support increased state funding for your courts by contacting your local legislators. To find your state representatives and senators, click on "Find Your District" at:

<http://www.leg.wa.gov/pages/home.aspx>.



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SEATAC MUNICIPAL COURT

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