

2013-J836

LEGISLATIVE RESOLUTION commemorating the 50th Anniversary of the United States Supreme Court's decision *Gideon v. Wainwright* holding the 14th amendment to the Constitution requires states to provide counsel to indigent criminal defendants

WHEREAS, March 18, 2013, marks the 50th Anniversary of the U.S. Supreme Court's landmark decision in *Gideon v. Wainwright*, 372 U.S. 335 (1963); and

WHEREAS, On January 8, 1962, the Clerk of the U.S. Supreme Court received a handwritten petition from prisoner number 003826 seeking certiorari to the Supreme Court based on the claim that the prisoner had been denied his constitutional right to counsel; and

WHEREAS, That petition began the historic case of *Gideon v. Wainwright* in which the Court overturned Clarence Earl Gideon's conviction and unanimously held that the 14th amendment to the Constitution requires states to provide counsel to defendants in criminal cases if they are unable to afford an attorney; and

WHEREAS, On March 18, 1963, in its unanimous opinion written by Justice Hugo Black, the court held "...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...lawyers in criminal courts are necessities, not luxuries."; and

WHEREAS, Following this historic decision, a new trial was ordered, and with a new lawyer appointed, Gideon was acquitted; and

WHEREAS, This decision established that the right to competent counsel in a criminal proceeding is a constitutional right belonging to every American; and

WHEREAS, This decision established a 50 year tradition of zealous representation of indigent criminal defendants led by the legal aid societies, public defenders, and pro bono defense counsels of New York; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to celebrate the landmark case of *Gideon v. Wainwright*, and its holding that advances our fundamental right to due process and equal justice

under the law for all New Yorkers.