



“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 for merit 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 and he was retried with the help of a 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 American legal history has been changed.”

ATTORNEY GENERAL ROBERT F. KENNEDY
NOVEMBER 11, 1963

*For more information or speakers call
The Gideon Project (860) 262-5947
or email us at gideon.ocpd@jud.state.ct.us*

REPRODUCED AT THE NATIONAL ARCHIVES

The petition

CLARENCE EARL GIDEON
v. WAINWRIGHT
U.S. SUPREME COURT - 1963

A Landmark in the Law



**An informational brochure on the
Right to Counsel and
Connecticut Public Defenders**

Office of Chief Public Defender
State of Connecticut
30 Trinity Street, Fourth Floor
Hartford, CT 06106

Made possible through the generous assistance of the
Ruth and Robert Satter Charitable Trust

THE STORY OF GIDEON V. WAINWRIGHT

Over forty years ago, a poor man named Clarence Earl Gideon sat in a Florida prison cell doing five years for a pool hall burglary in which some change, several beers, and a few bottles of soda were stolen.



Mr. Gideon was not guilty. How did this happen?

In 1963 the states weren't required to provide a lawyer in most criminal cases. Like thousands of people accused of a crime in Florida and elsewhere, Mr. Gideon had been required to go to trial alone. And like thousands, he had done his best, but it wasn't enough.

He was convicted anyway.

Mr. Gideon refused to accept his fate without a fight. He began reading law books at the prison library.

He learned that the supreme law of the land, the United States Constitution, seemed to give everyone the right to a lawyer. But somehow, the U.S. Supreme Court had never applied this right to the thousands of people facing charges in the state courts of Florida and other states each year.

To Mr. Gideon, this hardly seemed fair. People could be locked up for years and it didn't make sense that some should have a lawyer while others did not.

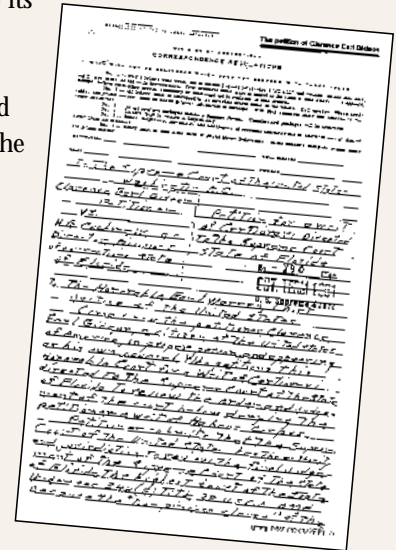
So Mr. Gideon took out a pencil and decided to do something about it.

He wrote a plea to the U.S. Supreme Court.

Mr. Gideon's case was a long-shot. Against all odds, the Supreme Court picked his letter from the thousands it receives every year and decided to hear his case.

Several months later, on March 18, 1963, the U.S. Supreme Court gave its final decision. They agreed with Mr. Gideon. His trial had been unfair because he had been denied the right to a lawyer.

From that point on, all people, rich and poor alike, have been entitled to a lawyer when facing serious criminal charges in the United States.



Mr. Gideon's ordeal was not over.

Even though he had won in the U.S. Supreme Court, Mr. Gideon's problems were not over. He would have to face trial again. But this time he would have an experienced attorney.

At his new trial, Mr. Gideon's lawyer was able to show that the state's key witness was lying, and might even have been part of the burglary himself. He was also able to show that some of the evidence that had made Mr. Gideon look guilty in the original trial had a perfectly innocent explanation. And he was able to make sure that Mr. Gideon had a fair chance to tell his side of the story.

This time, the jury would find Mr. Gideon not guilty.

After more than two years in prison, Mr. Gideon was a free man, and the right to a lawyer was finally the law of the land.

THE RIGHT TO COUNSEL IS A CONSTITUTIONAL RIGHT

“In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense.”

UNITED STATES CONSTITUTION
AMENDMENT VI

“In all criminal prosecutions, the accused shall have a right to be heard by himself and by counsel...”

CONNECTICUT CONSTITUTION
ARTICLE FIRST, SECTION 8, A



CHILDREN ARE ALSO GUARANTEED THE RIGHT TO COUNSEL

“The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it.”

IN RE GAULT, U.S. SUPREME COURT, 1967

“

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law.

This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

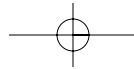
”

JUSTICE HUGO L. BLACK
U.S. SUPREME COURT
Gideon v. Wainwright (1963)



Photo: Collection of the Supreme Court of the United States





CONNECTICUT HAS BEEN A PIONEER IN PROVIDING THE RIGHT TO COUNSEL



Connecticut has been a pioneer in providing the right to counsel for poor people. This state's early concept has not only survived through modern times, but taken hold throughout the country as evidenced by later statutes and Supreme Court decisions.

1818 — The Declaration of Rights of the Connecticut Constitution states that a person accused of breaking the law has the right to use the services of a lawyer, but only if the accused person could afford to hire one.

1872 — The Connecticut General Assembly enacts legislation to compensate attorneys who are assigned to defend poor defendants against criminal charges. Whether a poor person would or would not be assigned a lawyer was left to the trial judge.

1882 — The Connecticut General Assembly enacts legislation that specifically allows lawyers for indigent people to be compensated in cases involving the death penalty or life imprisonment at a fee of \$10 per day.

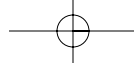
1885 — The Connecticut General Assembly expands the legislation to compensate defense attorneys for services such as investigations in cases involving the death penalty or life imprisonment.

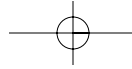
1893 — The Connecticut General Assembly allows defense attorneys to be compensated for their time and necessary expenses in felony criminal cases, except appeals.

1909 — The Connecticut General Assembly specifically authorizes the compensation of lawyers assigned to represent indigent persons in the Court of Common Pleas at a fee of \$5.00 per day.

1917 — The Connecticut General Assembly adopts the first statewide public defender system in the country — one public defender per county to be appointed by the judges of the Superior Court.

1975 — The Connecticut General Assembly enacts An Act Concerning A Public Defender Services Commission as an independent agency with responsibility for setting policies, hiring public defenders, and appointing a chief and deputy chief public defender to oversee the administration of the system. The legislation, Public Act 74-317, passes the House of Representatives and Senate unanimously. State Representatives Samuel Freedman and James Bingham are the primary sponsors in the House and Senator Richard S. Scalo the primary sponsor in the Senate. The bill is signed into law by Governor Thomas Meskill.





GIDEON'S LEGACY IN CONNECTICUT

Public Defender Offices and Specialized Units

Gerard A. Smyth, Chief Public Defender
Susan O. Storey, Deputy Chief Public Defender

The Division of Public Defender Services is an independent agency of the State of Connecticut. A seven member Public Defender Services Commission is responsible for setting policies, hiring personnel, and appointing a Chief and Deputy Chief Public Defender. Commission members are appointed by the Governor, the Chief Justice and the leadership of the General Assembly.

Public defenders provide representation in adult and juvenile misdemeanor and felony cases, as well as appeals and other post conviction matters, to persons who cannot afford an attorney.

In most years, public defenders handle nearly 80% of the criminal cases coming before the Judicial District courts, and half of the cases coming before the Geographic Area courts and the delinquency cases brought before the Juvenile courts. In addition, thousands of cases are handled annually by members of the private bar serving as special public defenders. That translates to tens of thousands of cases per year.

Public defender offices serve all of Connecticut's courthouses. This includes all of the Judicial District courts (JD's), where the most serious matters are heard, the Geographical Area courts (GA's), and the Juvenile courts.

Specialized units have also been established within the Office of the Chief Public Defender, in order to ensure the most effective representation possible:

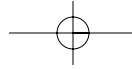
Capital Defense and Trial Services Unit is responsible for providing representation in death penalty and other complex felony cases.

Legal Services Unit is responsible for representing indigent persons in appeals before the Connecticut Appellate and Supreme Courts.

Habeas Corpus Unit is responsible for representing individuals who challenge the legality of their imprisonment or the amount of time they have to serve.

Juvenile Post Conviction and Re-entry Unit is responsible for representing delinquent children committed to the Department of Children and Families.

Psychiatric Defense Unit is responsible for representing persons before the Psychiatric Security Review Board who are acquitted by reason of mental disease.



PUBLIC DEFENDER VICTORIES FOR CONNECTICUT CITIZENS

Over the years, Connecticut's Public Defenders have litigated many cases that have changed the law to benefit all of our citizens.

A client who had been in prison for 12 years was finally freed when the Supreme Court held that new evidence established that he was actually innocent of the crime.

Laurence J. Miller v. Commissioner, 1997



Connecticut's constitution requires the police to inform a suspect who is in custody of efforts by counsel to provide legal assistance.

State v. Robert Stoddard, 1988



Defendants cannot be forcibly medicated in order to stand trial, without appointment of an independent healthcare guardian to protect their interests.

State v. Jose Garcia, 1995

Even a homeless person has a right to an expectation of privacy.

State v. Mooney, 1991



Evidence obtained through a defective search warrant cannot be used in court.

State v. Michael Joseph Marsala, 1990



A police officer's decision to stop and question a person must be based on more than a "hunch."

State v. Ferdinand Oquendo, 1992