

RESOLUTION 2003 - 52

A RESOLUTION COMMEMORATING THE 40<sup>TH</sup> ANNIVERSARY OF THE U.S. SUPREME COURT'S RULING IN GIDEON v. WAINWRIGHT, WHICH REAFFIRMED THE PRINCIPLE OF EQUAL JUSTICE FOR ALL REGARDLESS OF INCOME.

WHEREAS, Clarence Earl Gideon was charged with breaking into a Florida poolroom on June 3, 1961, and stealing coins from a cigarette machine. He asserted his innocence; and

WHEREAS, Mr. Gideon's request for counsel was denied, and the 51-year old drifter with an eighth-grade education defended himself against the legal case presented by the State's prosecuting attorney. He was convicted of felony breaking and entering with intent to commit a misdemeanor, and was sentenced to five (5) years in State prison; and

WHEREAS, Mr. Gideon submitted a handwritten petition to the United States Supreme Court from his Florida prison cell, arguing that the United States Constitution does not allow poor people to be convicted and sent to prison without legal representation. Twenty-two (22) State Attorneys' General submitted a brief supporting him; and

WHEREAS, on March 18, 1963, the Supreme Court unanimously ruled that Mr. Gideon's trial and conviction without the assistance of counsel was fundamentally unfair and violated the Sixth and Fourteenth Amendments to the

United States Constitution. It is an "obvious truth", the Court stated, that "in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided to him"; and

WHEREAS, at his retrial with the assistance of counsel, Clarence Earl Gideon was acquitted; and

WHEREAS, forty (40) years later, implementation of the right to counsel is extremely uneven across the nation, and people who cannot afford counsel are regularly denied their basic right to a qualified attorney, resulting in unjust, life-altering verdicts. Public trust and confidence in criminal justice systems, and a sense that the quality of justice people receive is determined by the amount of money they have; and

WHEREAS, Nassau County has consistently provided support and encouragement to the Public Defender for the Fourth Judicial Circuit of Florida, and consistently supported the concept of equality and effectiveness of legal representation for the poor, in keeping with the standards of The Florida Bar, The American Bar Association, and the National Legal Aid and Defender Association.

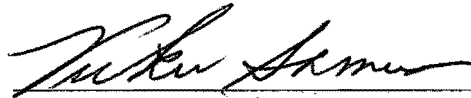
NOW, THEREFORE, BE IT RESOLVED this 10th day of March, 2003, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. That March 18, 2003, is hereby designated as "Gideon Day"; and

2. That Nassau County hereby rededicates itself to the principle of equal justice of all regardless of income; and

3. That copies of this Resolution shall be provided to government agencies, schools, the media, and the public, to promote ongoing understanding of the commitment to the fulfillment of Gideon's promise.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA



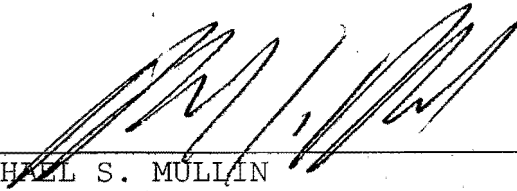
VICKIE SAMUS  
Its: Chairman

ATTEST:



J. M. "CHIP" OXLEY, JR.  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney



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MICHAEL S. MULLIN

h/anne/res/wainwright-commerate

SEE PAGE 10  
George Wainwright  
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