

SR-27, As Adopted by Senate, March 19, 2013

Senator Caswell offered the following resolution:

Senate Resolution No. 27.

A resolution acknowledging March 18, 2013, as Gideon Day in the state of Michigan.

Whereas, March 18, 2013, marks the 50th anniversary of the United States Supreme Court's decision in Gideon v. Wainwright, which guaranteed the right to an attorney for individuals accused of a crime; and

Whereas, In that decision, the Supreme Court said, "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 for him"; and

Whereas, Section 20 of Article I of the Michigan Constitution of 1963 guarantees that the accused shall have the right to the assistance of counsel for his or her defense; and

Whereas, The Sixth and Fourteenth Amendments to the United States Constitution guarantee indigent criminal defendants the right to counsel in all critical stages of a prosecution where the prosecution may result in the actual deprivation of the defendant's liberty, unless such right is voluntarily and intelligently waived. These amendments also guarantee defendants in criminal prosecutions the right to effective assistance of counsel; and

Whereas, A strong indigent defense system ensures that those who are guilty are convicted, the innocent are protected, and our communities are kept safe; and

Whereas, Residents throughout the state agree that Michigan's current system needs to be strengthened; and

Whereas, The Indigent Defense Advisory Commission was created in 2011 and concluded its work in 2012. This commission developed recommendations to help improve Michigan's public defense system and forwarded its recommendations to the Legislature for its consideration; and

Whereas, The 50th anniversary resonates today as the Legislature works to create new standards for indigent defense to ensure that the rights of the accused are protected in Michigan; now, therefore, be it

Resolved, That this legislative body hereby acknowledges March 18, 2013, as Gideon Day in the state of Michigan; and be it further

Resolved, That we continue to work on reforming Michigan's indigent defense system.