



# NACDL NEWSRELEASE

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## **Indigent Defense in Crisis – Nationally and in Michigan**

Today's USA Today cover story "8 years in a Louisiana jail, but he never went to trial" casts a bright light on the failures in the criminal justice system.<sup>1</sup> Although not highlighted in this overview, Michigan is one of the states where the justice system is failing.

The state of Michigan is one of only three states in the nation to provide no support whatsoever for trial level indigent defense services. "Public defenders have overwhelming caseloads, have no access to investigators or experts, and sometimes are appointed and expected to provide a substantive defense to clients they have just met," said Emily Chiang of the Brennan Center, who has been leading a group observing a number of courts in Michigan.

When trial level services are inadequate, innocent people go to jail and guilty people go free. This happened in Michigan in the case of Eddie Joe Lloyd. Mr. Lloyd, who tragically passed away a few months ago, was wrongly convicted of murder based on a false confession he gave while a patient in a mental institution. Mr. Lloyd's family is now suing the county for the gross deficiencies in his defense that led to his wrongful conviction.

Additionally, the United States Supreme Court recently ruled that one aspect of Michigan's indigent defense system was constitutionally deficient. The Michigan law at issue prohibited the appointment of appellate counsel to indigent defendants who pled guilty or no contest unless they fell within extremely limited exceptions. The Court, in Halbert v. Michigan, No. 03-10198, held that the law violated the defendants' right to counsel. As a result of the decision, a large number of criminal appeals will have to be reheard.

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<sup>1</sup> The USA Today article can be read at [http://www.usatoday.com/news/nation/2005-08-29-cover-indigents\\_x.htm](http://www.usatoday.com/news/nation/2005-08-29-cover-indigents_x.htm)

Our justice system exists to ensure that the public is safe and that everyone's rights are preserved. We can not accomplish these things without a strong public defense system in place and right now, Michigan doesn't have one. "The kind of justice a person receives should not depend on whether someone is wealthy or not," said Malia Brink, Indigent Defense Counsel for the National Association of Criminal Defense Lawyers. "Unbalanced criminal justice systems, lead to costly errors including increased appeals, unwarranted jail time, exonerations and the associated civil rights cases."

The following individuals are available to speak with you in greater detail about the state of the criminal justice system in Michigan. Each of these people is working to educate the public about the deficiencies of the Michigan system and about the potential solutions that would ensure that Michigan is able to operate and maintain a safe and effective system of justice for all.

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