



State Appellate Defender Office

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Statement of the State Appellate Defender Office on National Public Defender Day

Today, March 18, 2022, marks the 59th Anniversary of the Supreme Court decision in [Gideon v Wainwright](#), recognizing the right to counsel for people facing criminal charges. Both the Sixth Amendment of the United States Constitution and parallel provisions in the Michigan Constitution guarantee the right to counsel for the most marginalized members of society at the most desperate times of their lives – poor people who face criminal charges and the loss of their liberty.

In the case of the Scottsboro Boys, a group of Black youth wrongly accused in Alabama in 1931 of raping two white woman faced a lynch mob, a verdict by an all-white jury, and representation by unqualified lawyers. After three rushed trials, every youth received death sentences except for one thirteen-year-old, sentenced to life imprisonment. In reversing their convictions in [Powell v Alabama](#), the United States Supreme Court described the importance of this right:

He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.

Today at the [State Appellate Defender Office](#), public defenders work to realize this constitutional obligation in our representation of people appealing their criminal convictions. [Anthony Legion](#) and [Konrad Montgomery](#) are among the twenty innocent people we represented who regained their liberty after exoneration. In 2021, public defenders advocated for 201 years in reduced sentences for peoples' imprisonment due to sentencing guideline errors. Public Defenders saved significant portions of people's lives. Our public defenders also fight for a second chance for children [sentenced](#) to mandatory life in prison without parole.

Public defenders serve as an important check on the potential for court and prosecution overreach. Recent Michigan Supreme Court rulings [limit unfettered police access to cell phones](#) and [prevent judges from closing courts to the public](#). A recent Court of Appeals decision [reminds judges that they are not above the law](#). Most importantly, along with dozens of new trial level public defender offices, we give a voice to people who face a monolithic, impersonal, and often unfair criminal legal system.

Historically, Michigan failed to meet this mandate. A 2008 report by the National Legal Aid and Defender Association studied Michigan's system of providing counsel, found the state 44th in per capita spending. The title of the report neatly summarized the conclusions: [A Race to the Bottom - Speed & Savings Over Due Process: A Constitutional Crisis](#).

The results were devastating: A 2018 [report](#) by the National Registry of Exonerations found 87 innocent people convicted in Michigan, one of the highest amounts in the country. The NLADA report documents routine misdemeanor convictions without attorneys, and lawyers in Michigan had as many as [3,802 clients](#) each year.

The ACLU filed a [lawsuit](#) and an [Advisory Commission studied the issue](#). The resulting bipartisan reform created the [Michigan Indigent Defense Commission](#) in 2013.

Eight years later, the State of Michigan commitment to trial level public defense has increased from zero to [\\$137 million](#). Minimum standards ensure that training is required for lawyers representing poor people facing criminal charges, and nobody receives misdemeanor convictions without counsel present. Dozens of new public defender offices and managed assigned counsel systems implement these standards. The President has nominated [a former public defender](#) to the Supreme Court. Even as we re-examine a criminal legal system that disproportionately imprisons poor and Black people, [National Public Defender Day](#) has become a day to celebrate.

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