

R E S O L U T I O N

1 WHEREAS, March 18, 2013, marks the 50th anniversary of the
2 landmark Supreme Court ruling in *Gideon v. Wainwright*, which found
3 that under the United States Constitution, state courts must
4 provide attorneys to indigent defendants in all felony cases; and

5 WHEREAS, In *Gideon v. Wainwright*, the United States Supreme
6 Court recognized that our adversarial system of criminal justice
7 depends upon a fair contest between the prosecution and the
8 defense, and that this system is an effective means of arriving at
9 just results only when both the prosecution and the defense are
10 adequately prepared and equipped to present their case effectively
11 under the law; and

12 WHEREAS, Justice Hugo Black, who wrote the unanimous
13 decision, noted: "From the very beginning, our state and national
14 constitutions and laws have laid great emphasis on procedural and
15 substantive safeguards designed to assure fair trials before
16 impartial tribunals in which every defendant stands equal before
17 the law. This noble ideal cannot be realized if the poor man charged
18 with crime has to face his accusers without a lawyer to assist him";
19 and

20 WHEREAS, Because the assistance of counsel is essential to
21 effectuate a meaningful defense when faced with prosecution by the
22 state, Texas passed the Fair Defense Act of 2001 to better ensure
23 that the constitutional rights of all Texans would be more reliably
24 safeguarded; implementation of the Act has enabled many more people

1 to receive public defense services and earlier access to counsel,
2 and it has improved the quality of legal assistance provided; and

3 WHEREAS, The Fair Defense Act created the Task Force on
4 Indigent Defense, now known as the Texas Indigent Defense
5 Commission, to provide technical support to counties to develop and
6 maintain quality, cost-effective public defense systems, as well as
7 to offer financial assistance to meet the new requirements and to
8 foster innovation in the way public defense services are provided;
9 new state grant funds administered by the commission have led to the
10 creation of 13 public defender offices and 3 managed assigned
11 counsel programs to provide public defense services in more than
12 180 counties; and

13 WHEREAS, Affirming essential principles of fairness and
14 justice, *Gideon v. Wainwright* marked a turning point in American
15 jurisprudence, and it is indeed fitting to recognize the vital role
16 this decision has played over the past half-century in guaranteeing
17 access to counsel for all; now, therefore, be it

18 RESOLVED, That the House of Representatives of the 83rd Texas
19 Legislature hereby commemorate the 50th anniversary of the Supreme
20 Court's decision in *Gideon v. Wainwright*.

Herrero

Straus	M. Gonzalez of El Paso	Oliveira
Allen	N. Gonzalez of El Paso	Orr
Alonzo	Gooden	Otto
Alvarado	Guerra	Paddie
Anchia	Guillen	Parker
Anderson	Gutierrez	Patrick
Ashby	Harless	Perez
Aycock	Harper-Brown	Perry
Bell	Hernandez Luna	Phillips
Bohac	Herrero	Pickett
Bonnen of Brazoria	Hilderbran	Pitts
Bonnen of Galveston	Howard	Price
Branch	Huberty	Raney
Burkett	Hughes	Ratliff
Burnam	Hunter	Raymond
Button	Isaac	Reynolds
Callegari	Johnson	Riddle
Canales	Kacal	Ritter
Capriglione	Keffer	Rodriguez of Bexar
Carter	King of Hemphill	Rodriguez of Travis
Clardy	King of Parker	Rose
Coleman	King of Taylor	Sanford
Collier	King of Zavala	Schaefer
Cook	Kleinschmidt	Sheets
Cortez	Klick	Sheffield of Bell
Craddick	Kolkhorst	Sheffield of Coryell
Creighton	Krause	Simmons
Crownover	Kuempel	Simpson
Dale	Larson	Smith
Darby	Laubenberg	Smithee
Davis of Dallas	Lavender	Springer
J. Davis of Harris	Leach	Stephenson
S. Davis of Harris	Lewis	Stickland
Deshotel	Longoria	Strama
Dukes	Lozano	Taylor
Dutton	Lucio III	Thompson of Brazoria
Eiland	Marquez	Thompson of Harris
Elkins	Martinez	Toth
Fallon	Martinez Fischer	Turner of Collin
Farias	McClendon	Turner of Harris
Farney	Menendez	Turner of Tarrant
Farrar	Miles	Villalba
Fletcher	Miller of Comal	Villarreal
Flynn	Miller of Fort Bend	Vo
Frank	Moody	Walle
Frullo	Morrison	White
Geren	Munoz, Jr.	Workman
Giddings	Murphy	Wu
Goldman	Naishtat	Zedler
Gonzales	Nevarez	Zerwas

H.R. No. 808

Speaker of the House

I certify that H.R. No. 808 was adopted by the House on March 18, 2013, by a non-record vote.

Chief Clerk of the House