

Proclamation

by Governor Jim Justice

- Whereas,** in 1961, Clarence Gideon, described as a “poor drifter,” was forced to defend himself without the aid of any attorney when prosecuted by the State of Florida on charges that he stole fifty dollars and a few bottles of beer and soda from a pool hall, resulting in a conviction and incarceration for a period of five years; and
- Whereas,** Mr. Gideon’s handwritten petition to the Supreme Court of the United States was accepted and Abe Fortas, an eventual Justice of the Supreme Court, argued on appeal that Mr. Gideon’s constitutional right to due process under the Fourteenth Amendment to the United States Constitution was violated by the State of Florida when it denied him the right to an appointed counsel even though he could not otherwise afford one; and
- Whereas,** in *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792 (1963), the Supreme Court of the United States granted relief to Mr. Gideon by declaring that the Sixth and Fourteenth Amendments to the United States Constitution required the states to appoint counsel to indigent defendants when their liberty interests were at stake by reason of state action; and
- Whereas,** upon retrial, Mr. Gideon was acquitted while represented by a court-appointed counsel; and
- Whereas,** March 18, 2023, will be the 60th anniversary of the date on which the Supreme Court of the United States issued its opinion in *Gideon*; and
- Whereas,** in fulfillment of the State of West Virginia’s constitutional obligation as set forth in *Gideon*, 155 public defenders, and approximately 500 private counsel engage in indigent defense in the State of West Virginia, representing the interests of their clients in more than 57,000 proceedings each year.

Now, Therefore, Be it Resolved that I, Jim Justice, Governor of the Great State of West Virginia, do hereby proclaim **March 20, 2023** as:

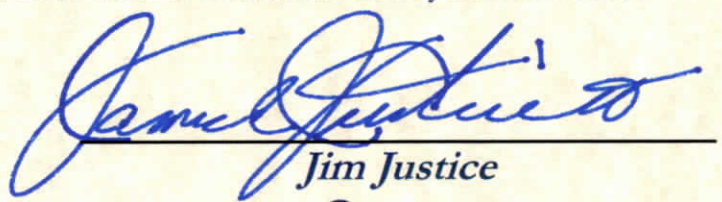
Indigent Defense Day

in the Mountain State and encourage all citizens to join me in this observance of the sixtieth anniversary of the decision in *Gideon v. Wainwright*, 372 U.S. 335, 83 S.Ct. 792 (1963), and in further recognition of the service provided by public defenders and court-appointed private counsel in representing individuals who cannot afford to hire counsel, but who are involved in legal proceedings that affect their liberty interests.


In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

Done at the Capitol, City of Charleston, State of West Virginia, this the Twentieth day of February, in the year of our Lord, Two Thousand Twenty-Three, and in the One Hundred Sixtieth year of the State.




Jim Justice
Governor

By the Governor:


Mac Warner
Secretary of State