Gideon turns 50: Celebrating free defense for all

The Sixth Amendment of the U.S. Constitution

In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defence.

San Francisco Public Defender

2012 Annual Report and 2013 Calendar
San Francisco Public Defender

Contact Information and Resources

Main Office
555 7th Street
San Francisco, CA 94103
Directory: 415-553-1671
Intern and Volunteer Program: 415-553-9630
Website: sfpublicdefender.org

Juvenile Division
375 Woodside Avenue, Room 118
San Francisco, CA 94127
Front Desk: 415-753-7601

Bayview MAGIC
Phone: 415-558-2428
Email: community@bayviewmagic.org
Website: bayviewmagic.org

Mo’ MAGIC
Phone: 415-567-0400
Email: info@momagic.org
Website: momagic.org

Clean Slate Program
Phone: 415-553-9337
Email: cleanslate@sfgov.org

Hours and Locations:

Arriba Juntos Office
1850 Mission Street
2nd & 4th Monday of the Month
10:30am-12:30pm
Se habla Español

Main Office
555 7th Street
Every Tuesday, 9am-11am

Mo’ MAGIC
1290 Fillmore Street (Westbay Conference Center)
1st Wednesday of the Month
3pm-5pm

The Village Community Center
1099 Sunnydale Avenue
4th Wednesday of the Month
3pm-5pm

Southeast Community Center
1800 Oakdale Avenue
1st & 3rd Thursday of the Month, 9am-11am
Message from the Public Defender

The COURT: I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case.

The DEFENDANT: The United States Supreme Court says I am entitled to be represented by Counsel.

This exchange, between prisoner Clarence Earl Gideon and a Florida judge, would lead to a landmark U.S. Supreme Court ruling that a poor person accused of a crime must be provided a lawyer. Although the Sixth Amendment to the Constitution guaranteed the accused “the Assistance of Counsel for his defence,” free legal representation for the indigent was routinely denied in many states.

Gideon was arrested in 1961 for allegedly burglarizing a Florida pool hall. Because he could not afford an attorney, he was forced to represent himself at trial, despite having only an eighth grade education. He was convicted.

From his jail cell, Gideon scrawled out a petition to the nation’s high court. The Supreme Court voted to hear his appeal, and ruled in his favor on March 18, 1963. Although some states had public defender offices for many years — thanks to the efforts of California’s first woman attorney, Clara Foltz — the Gideon decision required that all states provide attorneys to those accused of crimes. Today, there are more than 15,000 public defenders nationwide and thousands of private attorneys who provide these critical services.

Last year, our office celebrated its 90th Anniversary of providing justice to San Franciscans. In this annual report and calendar, we proudly share our achievements throughout 2012 including:

• Winning not guilty verdicts or hung juries in approximately half of 258 cases taken to trial.
• Helping clear the criminal records of approximately 1,500 people through our Clean Slate program and linking hundreds of clients to treatment and services through our social workers and collaborative courts.
• Implementing the state realignment initiative, which transferred supervision of low level state prisoners to counties and provided reentry services to hundreds of returning prisoners to reduce crime.
• Sponsoring the 10th annual televised Justice Summit, educating the public on gang prevention, drug law reform, and neuroscience.
• Working to stop the practice of police improperly using pass keys to gain entry into hotel rooms without search warrants.
• Distributing more than 4,300 backpacks and school supplies to children and providing literacy programs and agency support through our community-based MAGIC programs.

In December, our office was honored to receive the “Reggie” Award, given by the National Legal Aid and Defender Association. This award celebrates the outstanding achievements made by a public defender or legal aid lawyer who has done exemplary work in representing the poor.

In 2013, we will celebrate Gideon’s 50th anniversary by hosting events that raise public awareness of the right to counsel, including a special Justice Summit on March 19 and an evening with anti-death penalty advocate Sister Helen Prejean on May 9. We hope you can join us in celebrating the spirit of justice for all.

Sincerely,

Jeff Adachi
San Francisco Public Defender

Photo: Robert Fujioka
Advocate. Because you (yes, you) are entitled to an attorney.

You have the right to an attorney if you are unable to afford one. Public defenders work vigorously to achieve the best legal results for their clients.
JANUARY 2013

New Year’s Day

First Public Defender’s Office Opens in Los Angeles, 1914

Martin Luther King Jr.’s Birthday

Fred Korematsu Day

Misdemeanor Statistics
- 199 Jury trials
- 42% Wins
- 27% Split decision
- 31% Guilty
- 630 Motions filed

Volunteer Attorney Program
- Number of VAPs: 20
- Trials handled by VAPs: 54
- Motions by VAPs: 133
- Dispositions by VAPs: 235
Investigators at the Public Defender’s Office examine the veracity of police reports and witness statements to ensure the whole story is told in court.
Investigator Jennifer Jennings interviews a possible witness in the Tenderloin.

Investigation Statistics

| Number of investigation requests received by the unit in 2012 | 2,800 |
| Number of subpoenas served in 2012 | 3,250 |
| Attorney to investigator ratio | 6:1 |
Fighting an unfair criminal charge is anything but a fair fight. Prosecutors have the full power of the government behind them and an entire police force at their disposal. Without a public defender on their side, an accused person may be intimidated into pleading guilty.
Deputy Public Defender Matt Sotorosen of the Felony Unit and his client Felipe, who was acquitted of assault charges after the evidence showed he acted in self-defense.

Public Defender Clients
85% Men
15% Women
$25,000 Average yearly income

51% African American
24% White
16.3% Latino
8.7% Other
The pulley that hoists you from the cracks

The Public Defender’s Legal Educational Advocacy Program (LEAP) helps disentangle students from the justice system, setting them on a path to success. A public defender represents students who face expulsion and works with the school district and parents to improve educational outcomes.
California Governor signs bill allowing women to practice law, 1878.

Former client Sharene now helps guide youth at the Principal Center Collaborative, a high school for students who have had trouble with the law.

Background: Youth Advocate Mark Babus and Deputy Public Defender Lauren Brady-Blalock of the Juvenile Unit’s LEAP program.

LEAP Program Statistics
120 Referrals handled
57 Education hearings: Helped all 57 students obtain appropriate educational services and prevented expulsions in all cases
210 School visits
Every day, public defenders enforce constitutional rights in cases where the police and government have exceeded their authority.
Research Unit Statistics

1,353 Motions to dismiss/suppress
47 Residency restriction litigation
62 Appeals

BMAGIC Literacy is Freedom

An Evening with Sister Helen Prejean, Temple Emanu-El

Harvey Milk Day

Johnson v. Zerbst, 1938

Memorial Day

Deputy Public Defender Ariana Downing of the Misdemeanor Unit protects client William’s right to a fair trial.
Public defender clients turn their lives around through Drug Court. Approximately 86 percent of the most recent graduating class used drugs daily or multiple times a week when they entered the program. Today, 100 percent are drug free. Nearly half have reconnected with their children.
Drug Court Statistics

178  Participants
89  Graduated and had charges dismissed
100% Decrease in homelessness among graduates
72%  Graduates enrolled in school or vocational programs or with plans to enroll

Client Elley, right, was one of 89 Drug Court graduates to make a fresh start in 2012. His charges were dismissed.

U.S. Constitution ratified, 1788
1789: Sixth Amendment created. Introduced as part of the Bill of Rights, it guarantees those accused of crimes the right to a speedy and public trial, an impartial jury, to be informed of the accusations they face, to confront witnesses and have the assistance of defense counsel.

1825: Clara Foltz’ lobbying results in Los Angeles County officials hiring Walton J. Wood to head the first public defender’s office in the United States.

1893: Clara Foltz introduces her then-radical idea of a public defender system to the Board of Lady Managers at the Chicago World’s Fair. Foltz, California’s first female lawyer, would go on to become the foremother of today’s public defender system.

1914: California lawmakers extend the public defender system to all state courts. Frank Egan appointed first San Francisco Public Defender.

1921: California lawmakers extend the public defender system to all state courts. Frank Egan appointed first San Francisco Public Defender.

1961: Hamilton v. Alabama: High court rules that attorneys must be provided at no expense to defendants in death penalty cases when requested, even if there is no “ignorance, feeble mindedness, illiteracy, or the like.”

1963: Gideon v. Wainwright: In this landmark case that resulted in a public defender system in all 50 states, the court finds that attorneys must be provided to indigent defendants in all felony cases.

1968: In Re Gault: Extends the right to an attorney to indigent children facing juvenile delinquency hearings.

1972: Argersinger v. Hamlin offers the right to counsel to all misdemeanor defendants in cases where there is a potential loss of liberty.
WHO WAS CLARENCE EARL GIDEON?

The Man
His case is among the most important legal victories for the poor, but Clarence Earl Gideon was an unlikely reformer.

Gideon was born in 1910 to a poor family in Hannibal, Mo. His father died when Gideon was 3. Gideon rebelled against his religious mother and stepfather, quitting school after eighth grade and running away to live as a railroad vagabond. The next three decades would be marked by poverty, prison stints, alcoholism and health problems. He was married four times and had three children, all of whom were taken by welfare authorities.

The Crime
On June 3, 1961, someone burglarized a Panama City, Fla. pool hall and beer joint, making off with $5 in change, and a few bottles of beer and soda. The owner of the establishment reported that $50 was also stolen from the jukebox. A man who lived nearby told police he had seen Gideon exit the pool hall and catch a cab, a bottle of wine in his hand and his pockets bulging with coins. Gideon was arrested in a bar a short time later.

The Trial
Because he was too poor to hire an attorney, Gideon was forced to defend himself at trial. On Aug. 4, 1961, he was convicted of breaking and entering with intent to commit petty larceny.

The Appeal
From his jail cell, Gideon wrote to the FBI office in Florida and the Florida Supreme Court, explaining that his constitutional right to counsel had been violated. He was denied help. In January of 1962, he mailed a five page, handwritten petition to the Supreme Court of the United States. The high court agreed to hear his appeal.

The nine Supreme Court justices agreed, ruling unanimously in Gideon's favor on March 18, 1963. Gideon was granted a second trial and appointed a public defender. The jury acquitted him after deliberating for one hour.

The Legacy
Gideon died of cancer in 1972 at age 61. His case would go on to become the catalyst of a right to counsel revolution in the United States. While some states, including California, already had a public defender system in place, the landmark ruling ensured court-appointed counsel for poor people nationally. Today, however, Gideon's promise remains unfulfilled in many ways. Indigent defense services across the country are woefully underfunded, putting poor people at greater risk of being wrongly convicted.

Still, Gideon's contribution to equal justice resonates each time a public defender triumphs over a charge that is unfair, inflated, or cannot be proven.
Juvenile Statistics
15 Trials
45 Contested dispositions
5,031 Court appearances handled
0 Youth committed to Department of Juvenile Justice
0 Youth transferred to adult court
878 Total cases handled

Youth Advocate/Juvenile Social Work Statistics
119 Cases handled
74% Favorable outcome for client achieved

Juvenile Unit Investigator Statistics
178 Referrals
380 Witness interviews
194 Subpoenas served

Misdemeanor Trial Outcomes

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percentage</th>
</tr>
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<tbody>
<tr>
<td>Wins</td>
<td>42%</td>
</tr>
<tr>
<td>Guilty</td>
<td>31%</td>
</tr>
<tr>
<td>Split</td>
<td>27%</td>
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</tbody>
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* not guilty/hung/dismissed at trial

Mental Health and Behavioral Health Court Statistics
137 Behavioral Health Court clients
49 Behavioral Health Court graduates
1 Mental Health Unit jury trial
6 Dismissals granted for conserved clients facing criminal charges
2,928 Clients served by Mental Health Unit
15% Public defender clients who are severely mentally ill

Chief Attorney Matt Gonzalez with panelists District Attorney George Gascón, Deputy Public Defender Tal Klement, Marty Vranicar of the California District Attorneys Association, Ethan Nadelman of Drug Policy Alliance, and Chief Adult Probation Officer Wendy Still at the 2012 San Francisco Public Defender’s Justice Summit (left to right.)
Felony Trial Outcomes

- Wins: 62%
- Guilty: 22%
- Split: 16%

* not guilty/hung/dismissed at trial

Children of Incarcerated Parents Statistics
- 52 Families served

Training Statistics
- 52 In-house workshops and lectures
- 64 Case conferences
- 100 New attorney training sessions

Clerical Statistics
- 22,000 New files created
- 100,000 Phone calls answered
- 500 File requests fulfilled

Transcription Statistics
- 4000 Pages of transcripts completed
- 641 Rush pages completed
- 85 Transcript requests received

Statistics include year-end projections.

Special Thanks
Amos Gregory and artist Randy Figure, US Navy Veteran, of San Francisco Veteran’s Mural Project: sfvetsmural.org
Principal Center Collaborative/Big Picture School
Walden House
San Francisco Superior Court

Production Credits:
Editor: Jeff Adachi
Managing Editor/Writer: Tamara Barak Aparton
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Jeff Adachi photo: Robert Fujioka
Staff and client photos: Richard Bui

Jeff Adachi with NLADA Chairperson Lilian Johnson, President and CEO Jo-Ann Wallace, and VP of Defender Legal Services Edwin Burnette
San Francisco deputy public defenders represented more than 20,000 San Franciscans charged in felony, misdemeanor, juvenile and mental health cases.
Phoenix Streets, one of 49 deputy public defenders in the Felony Unit, shown here at the San Francisco Veterans Mural.

Felony Statistics
60 Jury trials
62% Wins
22% Guilty
16% Mixed verdict

761 Preliminary hearings
679 Motions
408 Charges reduced to misdemeanor

JULY 2013
Sunday Monday Tuesday Wednesday
1 2 3

Thursday Friday Saturday
4 5 6

Independence Day

14 Fourteenth Amendment adopted, 1868
Clara Foltz born, 1849

21 Independence Day

28 29 30 31
An ally to get you past your past

The Public Defender’s Clean Slate program facilitates second chances, allowing clients to clean up their criminal records even decades after their cases have closed. The free program has helped hundreds of people secure jobs, housing and financial aid for college.
Clean Slate Statistics

- 885 Motions filed
- 90% Granted
- 413 Convictions expunged
- 41 Felony convictions reduced to misdemeanors
- 197 Arrest records sealed and/or reduced to detention only

Clean Slate Clerk Marissa Jimenez helps Victor clean up his record so he can find a job.
Back to school jitters? The Public Defender’s Office has got your back(pack). In 2012, BMAGIC and Mo’ MAGIC provided 4,300 backpacks stuffed with school supplies to low income San Francisco kids from kindergarten to 12th grade. MAGIC (Mobilization for Adolescent Growth in Our Communities) was founded by the Public Defender to improve the quality of life for families in Bayview Hunters Point and the Western Addition and to prevent children from becoming involved in crime.
BMAGIC Statistics
3,174 Backpacks given away
354 Children participating in BMAGIC Literacy Fair
3,000 Resource guides distributed

Mo’ MAGIC Statistics
1,200 Backpacks given away
800+ Children participating in Summer Learning Day
600 National Night Out attendees

2012 BMAGIC and Mo’ MAGIC back to school backpack events at the Bayview Opera House, Joseph Lee Recreation Center and Ella Hill Hutch Community Center drew a record number of families.
A voice, at long last.

After the public defender’s office exposed surveillance video showing police officers illegally entering residential hotel rooms with master keys, San Francisco police in 2012 issued an order to stop the practice.
Misconduct Statistics

792 Total cases dismissed due to police/prosecutorial misconduct
701 Cases dismissed due to police drug lab misconduct
91 Cases dismissed due to hotel room search scandal

Residential hotel resident Lennie was falsely accused of threatening a police officer. He was acquitted with the help of Deputy Public Defender Michelle Tong.
Believers in redemption

In 2006, Ruben was sentenced to 11 years in prison. He kept in touch with his paralegal throughout his incarceration and when he was released, worked with a social worker to find a program to help him maintain sobriety. Today, Ruben oversees all departments at a recovery center in San Francisco and is planning to attend college.
Paralegal Joan Kruckewitt, left, and social worker Shannon Bennett, right, catch up with Ruben at Walden House.

Paralegal Statistics
2,900 Subpoenas created and sent
300 Clients provided suits for trial
684 Trial exhibits created

Social Work Statistics
262 Clients assessed and referred to treatment, housing and other services
84% Program placement rate

Veteran’s Day
Powell v. Alabama.
1932

Thanksgiving Day
A team effort

Happy 50th Anniversary, Gideon!
Attorneys and staff members of the San Francisco Public Defender’s Office.

Staff Statistics
Staff Breakdown: 13 Managing Attorneys, 79 Attorneys, 11 Social Workers, 15 Clerical, 19 Investigators, 5 Information Technology, 6 Administration, 4 MAGIC, 17 Paralegal

Languages spoken by staff members: Spanish, Cantonese, Mandarin, Russian, Tagalog, Vietnamese, French, Japanese, Korean, Samoan
“If an obscure Florida convict named Clarence Earl Gideon had not sat down in prison with a pencil and paper to write a letter to the Supreme Court; and if the Supreme Court had not taken the trouble to look at the merits in that one crude petition among all the bundles of mail it must receive every day, the vast machinery of American law would have gone on functioning undisturbed. But Gideon did write that letter; the court did look into his case; he was re-tried with the help of competent defense counsel; found not guilty and released from prison after two years of punishment for a crime he did not commit. And the whole course of legal history has been changed.”

— Robert F. Kennedy, 1963

San Francisco Public Defender’s Office
555 7th Street, San Francisco, CA 94103