



Spencer J. Cox

Governor

Declaration

Whereas, the U.S. Constitution and Utah law guarantee individuals who are accused of a crime the right to legal representation at all critical stages of court proceedings regardless of their ability to pay;

Whereas, Utah law guarantees all youth accused of delinquency offenses the right to legal representation at all stages of juvenile court proceedings regardless of their ability to pay;

Whereas, Utah law guarantees both adults and youth convicted of criminal offenses the right to directly appeal, and the right to be represented by effective appellate counsel regardless of their ability to pay;

Whereas, Utah law guarantees all parents and legal guardians facing allegations that imperil their parental rights the right to legal representation at all stages of child welfare proceedings regardless of their ability to pay;

Whereas, the fundamental principles of equality and fairness cannot be fully realized under our justice systems without a well-resourced public defense system and prompt access to effective assistance of counsel;

Whereas, without an effective legal defense to challenge the government's evidence or present a case, adult defendants and youth in juvenile court may remain in jail or detention unnecessarily, or enter improper guilty pleas without the benefit of effective counsel;

Whereas, it is understood that collateral consequences of criminal and delinquency allegations may create long-lasting barriers to employment, education, and housing;

Whereas, without an effective legal defense, parents may suffer the unnecessary removal of children from their homes, and children may have permanency delayed;

Whereas, robust indigent defense services help to protect individuals and the community through fair trials, avoiding wrongful convictions, preventing unnecessary separation of families, shining a light on government powers, and helping to facilitate treatment, services, and outcomes that reduce recidivism;

Whereas, to maintain a fair and robust adversarial process, which guarantees people's constitutional protections, including the right to indigent defense representation at government expense, the public defense function must be considered an equal and valued partner in the criminal justice system in Utah; and,

Whereas, March 18, 2023, marks the 60th anniversary of the landmark U.S. Supreme Court case Gideon v. Wainwright in which the Court ruled that the Sixth Amendment of the U.S. Constitution requires states to provide attorneys to criminal defendants who are unable to afford their own;

Now, Therefore, I, Spencer J. Cox, governor of the state of Utah, do hereby declare March 18, 2023, as

Public Defense Day in the state of Utah



Spencer J. Cox
Governor