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A State's Duty to Indigent Defendants

By THE EDITORIAL BOARD

On Monday, the Supreme Court should have said that every state has the duty to pay for counsel for indigent criminal defendants and ensure them a speedy trial. The court should also have ordered an appeals court in Louisiana to reconsider its decision to uphold a conviction for murder and armed robbery. The court did neither. Its five conservative justices simply [refused to decide the case](#), leaving the conviction and a life sentence in place.

Jonathan Boyer spent more than seven years in the Calcasieu Parish jail, waiting to be tried. For the first five years, the state did not have the money to pay for the two defense attorneys required in a death penalty case. The trial went forward only after the state decided to reduce the first-degree murder charge in favor of a lesser charge, which made Mr. Boyer's case less expensive to defend.

Mr. Boyer argued that the delay violated his Sixth Amendment right to a speedy trial, requiring a reversal of his conviction. But the state appeals court [ruled](#) that the delay was mainly because of a factor "beyond the control of the state" — a "funding crisis" — and that there was no constitutional violation.

That did not wash with Justice Sonia Sotomayor, who, in a dissent joined by three other moderate liberals, said in so many words that states are ultimately responsible for providing adequate counsel, whatever their excuses, and that the state appeals court made "a fundamental error" that the justices should have corrected. She further noted that the Boyer case was not isolated and illustrated "larger, systemic problems in Louisiana."

The Louisiana Public Defender Board has reported that, for the past three years, its financing was "80 percent of the minimum amount needed" and that, at that level, the mandate to provide qualified counsel for every eligible defendant "is simply unattainable."

That mandate is from [Gideon v. Wainwright](#), in which, 50 years ago, the Supreme Court held that the Constitution guarantees every indigent criminal defendant charged with a felony the right to counsel. The right has been badly battered nationwide because of severe underfinancing. The Roberts court should have mustered a majority to strengthen this essential American right.