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FOR IMMEDIATE RELEASE – April 7, 2009

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Lawsuit Filed on Behalf of Hundreds of Poor People without Lawyers

ATLANTA, GEORGIA, April 7, 2009 — **The right to counsel - the most basic protection against unlawful imprisonment and the most fundamental constitutional right, upon which the enforcement of every other right in the criminal justice system depends - is being *systematically denied* to poor people accused of crimes in the five counties of the Northern Judicial Circuit of northeast Georgia**. Approximately 300 people are currently without lawyers to represent them after Mack Crawford, Director of the Georgia Public Defender Standards Council ("GPDSC"), in August of 2008, failed last summer to renew contracts with three lawyers who were providing representation to defendants whose interests conflicted with those of defendants represented by the Northern Judicial Circuit public defender office.

Today, the Southern Center for Human Rights (SCHR) filed *Cantwell v. Crawford*, a class action lawsuit in the Superior Court of Elbert County to protect men and women in Elbert, Franklin, Hart, Madison and Oglethorpe Counties from being prosecuted without representation.

"We have a stadium's worth of folks in North Georgia with no attorneys to defend them. Many of these people sit in jail, presumed innocent, penniless and lawyerless," said Gerry Weber, senior attorney at SCHR.

Until June 2008, there were lawyers under contract to handle cases with multiple defendants throughout the Northern Circuit. In these kinds of cases, the circuit public defender is ethically restricted to representing only one of the person accused of a crime and additional lawyers must be appointed to represent any other people accused of the same crime. However without adequate funding allocated for these lawyers, men and women are being forced to face criminal prosecution without an attorney by their side. This returns Georgia to the era before the enactment of the our Indigent Defense Act, when clear violations of the Supreme Court's case *Gideon v. Wainwright* (1963) were embarrassingly routine.

"The lack of conflict counsel in the Northern Circuit reduces the fundamental right to counsel to a crapshoot," said Lisa Kung, director of the Southern Center for Human Rights. "If two people are accused of a crime, one person gets a lawyer and the other doesn't. This has to change."

The lawsuit states:

- Plaintiffs Donna Adams and Brandon Ransom have been incarcerated since November 2008 in November 2008.
- Bobby Gunter, Christopher Cantwell, Donna Adams and Mitchell Major all appeared at their arraignments in Elbert County without counsel. They all entered pleas without counsel and left their hearings not knowing when or if they would be appointed counsel to defend them. None of them are able to afford a lawyer, however their co-defendants are represented by the public defender.
- Mr. Cantwell reflected, "While I was sitting in jail without a lawyer, I lost my job, and my trailer was broken into. My grandfather passed away, and I never got to even attend the funeral and say goodbye."
- Mr. Gunter turned 18 while sitting in the Elbert County Jail awaiting the appointment of an attorney. He was released on bond in February 2009, but continues to wait for the appointment of counsel.

This is the second bout of litigation in response to diminished resources for cases with multiple co-defendants. In June 2008, Director Crawford's attempted to close the Metro Conflict Defender office. However enforcing the constitutional rights of people facing criminal charges without an attorney, SCHR stopped the closure of the well-regarded office.

***To read the pleadings**, visit www.schr.org,*

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