



Indigent Defense in North Carolina

Thomas K. Maher, Executive Director
North Carolina Office of Indigent Defense



Dangers of Underfunding Indigent Defense

Crisis in Indigent Defense Nationally



JUSTICE DENIED

AMERICA'S CONTINUING NEGLECT OF
OUR CONSTITUTIONAL RIGHT TO COUNSEL

Report of the
National Right to Counsel Committee

at 50:
Examination of
Indigent Defense in America

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

violation, and what the appropriate remedy is.

FINDINGS OF FACT

Plaintiffs have shown, by a preponderance of the evidence, that indigent criminal defendants in Mount Vernon and Burlington are systematically deprived of the assistance of counsel at critical stages of the prosecution and that municipal policymakers have made deliberate choices regarding the funding, contracting, and monitoring of the public defense system that directly and predictably caused the deprivation. The period of time during which Richard Sybrandy and Morgan Witt (hereinafter, Sybrandy and Witt) provided public defense

meaning
ants to c
ounsel," C
estimony
od and a
ezzleme
ontract c
nting a d
00, even
95 for a
stem, bu

criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." Plaintiffs filed this lawsuit in Skagit County Superior Court in order to challenge the constitutional adequacy of the public defense system provided by the City of Mount Vernon and the City of Burlington. The defendant municipalities removed the case to federal court on July 5, 2011. Testimony on this matter was heard by the Court commencing on June 3, 2013, and concluding on June 18, 2013. Additional briefing closed in August of 2013.¹

At trial, plaintiffs set out to prove that the Cities of Mount Vernon and Burlington are regularly and systematically failing to provide effective assistance of counsel to indigent persons charged with crimes, thereby violating both the federal and state constitutions and

¹ In addition to the evidence presented at trial, the Court has considered the post-trial submissions of the parties, the Washington Defender Association, and the United States. The "Motion of Washington Defender Association For Leave to File Amicus Curiae Brief" (Dkt. # 321) is GRANTED.

Systems

USED SHALL
PARTIAL JURY

0
ME SHALL HAVE BEEN
E BEEN PREVIOUSLY
OF THE NATURE AND CAUSE
S WITH THE WITNESSES AGAINST
S FOR OBTAINING WITNESSES IN HIS
CE OF COUNSEL FOR HIS DEFENCE.



NC Exonerations: The Human And Financial Costs

WRAL.com News Weather Sports Business Consumer Health & Life


Local State @NCCapitol Traffic Education Investigations Nation World

LOCAL NEWS

Winston-Salem Paying Wrongfully Convicted Inmate \$1.6M

Posted February 19, 2007
Updated February 20, 2007

Reactions



WINSTON-SALEM, N.C. — The city of Winston-Salem will pay more than \$1.6 million to a wrongfully convicted inmate cleared by DNA evidence.

The City Council announced the settlement Monday night at its regularly scheduled meeting.


Darryl Hunt spent 18 years in prison for the 1984 stabbing death of Deborah Sykes, a Winston-Salem woman who was raped and killed while walking to work downtown.

He was released in 2003, and Gov. Mike Easley pardoned him in 2004 after DNA testing identified another man, Willard Brown, in the case.

MORE ON THIS

- Senate Approves Innocence Commission
- House Committee Approves Two-Year Death Penalty Moratorium
- Man Cleared Of Murder

EMAIL



Joseph Sledge is shown here at Pamlico Correctional Institution in Bayboro, North Carolina in 2013. Sledge, 68, who served 34 years in prison, is poised to become the oldest and longest-serving inmate in North Carolina found to be wrongfully convicted. Photo by Ethan Hyman/Raleigh News & Observer/MCT via Getty Images

ple executed in North Carolina, one innocent person spent more than a decade on death row, and North Carolina's most recent exonerated person under a death sentence before DNA proved his innocence were sentenced to death have served 112

after



judge declared him innocent. McCollum spent 30 years on N.C.'s death row.

CITIZEN-TIMES
A SHANNETT COMPANY

HOME LOCAL SPORTS ANNOUNCEMENTS LIFESTYLE YOUR

In flawed murder

Photo: Citizen-Times photo

to defend former Sheriff Bobby McColm on an appeal relating to the 2000 shooting death of a woman, with insurance picking up \$2.9 million.

Noticias | Instant Savings | Classifieds | Jobs | Real Estate

WRAL.com News Weather Sports Business Consumer Health & Life

Investigations Nation World

Search

N.C. agrees to \$12 million settlement for two wrongfully imprisoned men

HIGHLIGHTS

North Carolina's State Bureau of Investigation and its insurers have agreed to pay \$12.475 million to two innocent men who spent a total of 31 years behind bars.

JOSEPH NEFF AND MANDY LOCKE - RALEIGH NEWS & OBSERVER

North Carolina's State Bureau of Investigation and its insurers have agreed to pay \$12.475 million to two innocent men who spent a total of 31 years behind bars.

The state agreed to pay \$7.85 million to settle the state lawsuit filed by Floyd Brown, a mentally disabled man locked up for 14 years in a psychiatric hospital based on what his lawyers said was a false confession created out of whole cloth by an SBI agent. Brown has also reached a separate settlement with Anson County, whose sheriff's deputies helped investigate the case. A federal judge has sealed the Anson County settlement; North Carolina law requires that all such court settlements be public records.

The state also agreed to pay \$4.625 million to Greg Taylor, a Wake County man convicted in 1993 for the murder of a woman found beaten and abandoned in an East Raleigh cul-de-sac.