FOR IMMEDIATE RELEASE

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JACKSON, MS - Today the National Association for Public Defense (NAPD) filed an amicus brief to support the independence of the Hinds County Public Defender’s Office. Fairness in the criminal process and accuracy of court judgments in the Hinds County justice system are currently compromised by Circuit Judge Jeff Weill’s inappropriate decisions to remove all public defenders representing indigent clients in court before him, and appointing private assigned counsel in their stead. NAPD supports the Hinds County Public Defender’s Office motion requesting that Supreme Court in Mississippi issue a writ prohibiting the Hinds County Circuit Court from assigning these Defendants to private counsel.

Judge Weill lacks the authority to assume the management of the public defense function explicitly by Mississippi state law, and is in violation of the American Bar Association’s Ten Principles for a Public Defense Delivery System and their Standards for Criminal Justice, Defense Function. Mississippi state law is unambiguous on this point, and both the Ten Principles and the Criminal Justice Standards are well-established, nationally supported guidelines for the fair administration of justice.

Judge Weill’s unchecked behavior is creating an atmosphere of fear and intimidation, which threatens the truth-seeking function of the criminal justice system. Judge Weill has interrupted the client-attorney relationship by removing clients from the public defender without cause or through appropriate, state-mandated procedure; he has reassigned those clients to assigned counsel who are frequently less qualified than the public defender to handle criminal cases, and in some cases, not qualified at all; he has banned court personnel from speaking with members of the Hinds County Public Defender’s Office so that they can fulfill their duties; and, he has declined to recuse himself when his own animus toward the Public Defender’s Office has compromised his ability to treat their clients fairly.

Judge Weill’s actions were once limited to an individual public defender in the Hinds County Public Defender’s Office, and have now escalated to every public defender who appears before him, affecting all of their clients. Judge Weill is denying at least 63 clients their constitutional access to justice and endangering the entire justice system. These clients – poor people who are guaranteed a public defender because they lack the means to hire their own counsel – must be afforded counsel throughout the entire proceeding against them.

NAPD supports the Hinds County Public Defender’s Office in their effort to ensure that there exists an effective criminal justice system for poor people coming before the court. Such a system requires a neutral bench, an ethical prosecution, and an independent public defense system. An immediate ruling by the Supreme Court in Mississippi is necessary, as it is the only remedy to restore the affected clients’ constitutional rights.

NAPD is a national association of public defenders and public defense professionals. Its 10,000 members represent 70 organizations across the country, with members in hundreds of jurisdictions throughout all 50 states. Learn more about our work online at www.publicdefenders.us

The amicus brief was written by John P. Gross, NAPD member and Assistant Professor of Clinical Legal Education & Director of the Criminal Defense Clinic at the University of Alabama School of Law.
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