



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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November 7, 2016

Honorable Andrew Cuomo
Capitol Building
Albany, New York 12224

**Re: A.10706 (AM Fahy) / S.8144 (Sen. DeFrancisco)
Support for Full State Funding of Public Defense Services**

Dear Governor Cuomo:

I write on behalf of the NAACP and the many other organizations listed below. Our missions derive from a commitment to social justice on behalf of marginalized communities. Many of those we represent are disproportionately affected by inequities in the criminal justice system. We write today urging you to show nationwide leadership in remedying some aspects of these problems by signing the above-referenced bill, which would ensure state funding and oversight of the public defense system in New York.

An adequately funded public defense system is critical to the fair administration of justice. A broken system results in wrongful convictions and unjust sentences. It results in people who do not pose any threat to public safety spending weeks and years in jail and prison. Moreover, the collateral consequences can be devastating as people lose their jobs, their housing, and their families. The economic and emotional costs of such a system are, as the former Attorney General Eric Holder stated, “unacceptable . . . and unworthy of a legal system that stands as an example for all the world.”¹

The inadequacies of New York’s underfunded patchwork system are well-documented, including in the 2006 report commissioned by the former Chief Judge of the New York State Court of Appeals.² These are some of the same problems that plague systems across the country where states have refused to provide adequate funding for public defense.³ Public defenders carry massive caseloads far exceeding the limits recommended by the state bar association. Public defense offices lack the resources needed to hire and train lawyers, investigators and administrative staff. There are no

¹ Eric Holder, *Attorney General Eric Holder Speaks at the Justice Department’s 50th Anniversary Celebration of the U.S. Supreme Court Decision in Gideon v. Wainwright* (Mar. 15, 2013), available at <https://www.justice.gov/opa/speech/attorney-general-eric-holder-speaks-justice-departments-50th-anniversary-celebration-us>.

² Commission on the Future of Indigent Defense Services, *Final Report to the Chief Judge of the State of New York* (June 18, 2006), http://nycourts.gov/ip/indigentdefense-commission/IndigentDefenseCommission_report06.pdf.

³ See Heather Hollingsworth, *Missouri Governor Assigned to be Public Defender on Case*, AP, Aug. 4, 2016, <http://bigstory.ap.org/article/2f87a22fc6b1406c8f092e3ea4ff9cd9/missouri-governor-assigned-be-public-defender-case>; Campbell Robertson, *In Louisiana, the Poor Lack Legal Defense*, N.Y. Times, Mar. 19, 2016, http://www.nytimes.com/2016/03/20/us/in-louisiana-the-poor-lack-legal-defense.html?_r=0.

November 7, 2016

enforceable statewide standards. You have the opportunity to lead the nation in reforming public defense by signing A.10706/S.8114 into law. We urge you to do so.

Respectfully submitted,



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