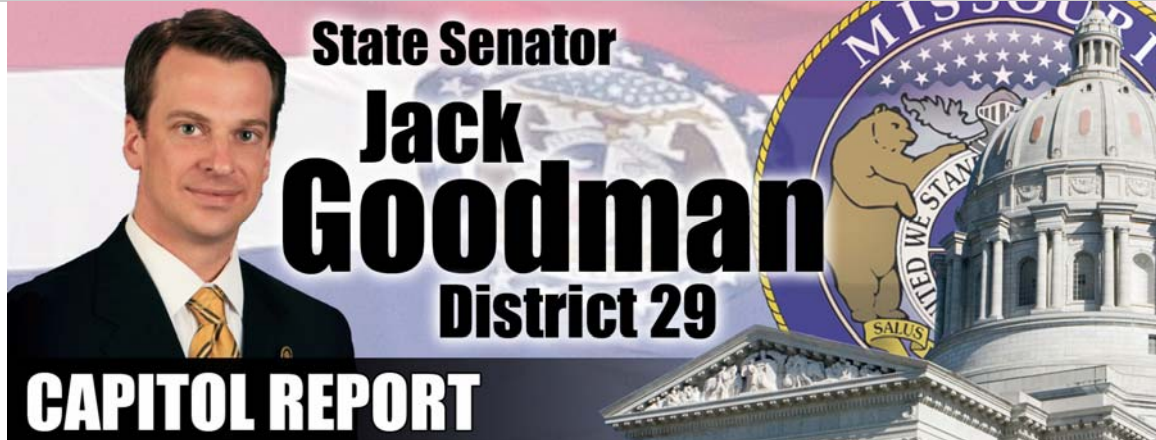


March 5, 2009



Senator Jack Goodman – Serving Barry, Lawrence, McDonald, Ozark, Stone and Taney Counties

[Website](#) | [Contact Me](#) | [Biography](#) | [Newsroom](#)

[Meeting the Obligations of Justice](#)

Missouri is in the midst of an escalating crisis in the administration of justice. As we have all heard on television, when someone is charged with a crime that can be punished by imprisonment, that person has the right to an attorney. If he or she cannot afford one, an attorney will be provided. This right is guaranteed by the United States Constitution and exists to ensure that the rights of law-abiding citizens will not be trampled by government. In Missouri, the public defender system provides legal counsel to indigent defendants accused of crimes that can be punished by imprisonment.

Throughout the past several years, funding of the public defender system has failed to keep pace with the growing caseloads in Missouri. Consequently, we no longer have enough public defenders to ethically, effectively handle their unmanageable caseloads. In many areas of our state, these unmanageable caseloads are slowing the administration of justice. This problem is prolonging the suffering of crime victims who must continue reliving their trauma throughout an extended trial process. It also creates a significantly increased risk of convictions being overturned on appeal due to ineffective assistance of counsel in cases where the public defender did not have adequate time or attention to devote to the case, which could allow guilty people to return to our communities, posing a further threat to the original victims and all law-abiding Missourians.

There is increased urgency to solve this problem this year. The U.S. Supreme Court is currently deciding a case in which it may hold that if a defendant does not receive a speedy trial—as guaranteed by the Constitution—due to the state’s public defender system lacking adequate resources to move the case to trial, that may be deemed a denial of a speedy trial by the state. If that is the Court’s decision, we may see droves of criminal defendants released back into our communities without ever going to trial.

This is a frightening prospect for all law-abiding Missourians.

This year, due to the huge downturn in the national economy, Missouri's state budget is very lean. It will be virtually impossible to increase funding to the public defender system this year. Although we must await a better budget year to increase funding, I filed [Senate Bill 37](#) this session to reform the public defender system by increasing flexibility and efficiency, allowing the public defender system to make the most of their existing resources.

The Senate gave final approval to my bill this week. Now, the bill moves to the House for similar consideration.

The personnel shortage in the public defender system is preventing the guilty from being incarcerated in a timely manner, preventing the innocent from being exonerated and causing the victims of crimes to continue enduring the distress of that crime for far too long. I am pleased my colleagues in the Senate recognized the importance of this bill and took the necessary action. I urge members of the House to do the same.

As always, I welcome your ideas, questions and concerns about Missouri government. You may contact me at the Capitol as follows: (573) 751-2234, jack.goodman@senate.mo.gov or by writing to Senator Jack Goodman, Missouri State Capitol, Room 331-A, Jefferson City, MO 65101.

-END-

Contact Information

Capitol Office
State Capitol Building
Room 331-A
Jefferson City, MO 65101

Website:
<http://www.senate.mo.gov/goodman>

Phone Number:
573.751.2234 (Capitol)
417.466.3731 (District)

Fax:
573.526.9808