

→ Sal/Anne

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TO: OFFICE OF ADMINISTRATIVE COUNSEL
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Office of Administrative Counsel,

I recently read an article regarding the ineffectiveness of counsel violating clients constitutional rights. First, the problem is not with the ineffectiveness of counsel, although, the ineffectiveness of counsel is an important issue. However, the problem is with the Court system itself, because even if counsel was ineffective and the issue is brought before the Court, the Court fails to act in most situations or correct wrongs, even when the lawyer admits that he did no pretrial investigation, failed to call or interview any witnesses. The Courts are reluctant to hold fellow attorneys, and judges accountable for acts or inactions violating indigent defendant's constitutional rights.

If your looking to propose new standards for Counsel or attorney's, you read the Transcript of People v. DEMOND BRANCH; Case No. 92-02809 in in this transcript, you will find examples of two attorneys, two Judges and two trials, in each trial, the Court was the mitigating factor in determining the actions of the attorneys (See Ginther Hearing Transcript, case no. 92-02809; April/1994).

Secondly, I agree that attorneys should be trained, specifically, in the field that their practicing. My attorney told the judge that he did not like murder cases, but the Judge forced him to take the case. I later found out he was specialized in traffic cases, he was totally unprepared for a murder trial. I wrote the Judge and Attorney Grievance Commission prior to trial, because attorney failed to interview any witnesses and then at trial the attorney failed to subpoena or interview any witnesses and admitted such at a ginther hearing held in 1994. The Judge in this matter ruled in the attorneys

favor.

Accountability is much needed for the Court as well as the Attorneys, attorneys violate rights because there are no repercussions and with Courts siding with attorneys over the Constitutional rights of indigent defendants, justice will never be served and the system will be nothing more than a farce. There is simply no protections for indigent defendants, it is exceedingly rare that you will ever see the Attorney Grievance Commission penalize, suspend or sanction an attorney in a criminal case for violating indigent defendants rights. The disciplinary process purporting to address such violations is ineffectual and deeply flawed, because these actions has been occurring for so long, there must be a change of mind of Attorneys and Judges, disciplinary actions for violation of Constitutional rights, should be enforced. Right now, there are no real checks and balances. And something should be done about the people that are already in prisobn from attorney's that have VIOLATED their Constitutional rights, such as in my case. What can be done about the people that are already incarcerated is unknown, but I will give it much thought and get back with you.

Well, I hope that I was able to give a little insight and a few suggestions on how to better improve the system, I truly appreciate the opportunity to help propose new standards for Attorney's, I thank you for your time and concern in this matter.

SinceBely,

DEMOND BRANCH.