



(collectively, “Defendants”) seeking declaratory and injunctive relief. In support of their Petition, Plaintiffs allege as follows:

### I. SUMMARY OF THE ACTION

Williamson County and the judges who preside over its county courts at law systematically deny criminal defendants the right to counsel, a right that is the bedrock of the American criminal justice system. The assistance of a lawyer is essential to ensuring that a person accused of a crime receives a fair trial. When persons accused of crime are denied the right to counsel, the rest of the criminal trial rights guaranteed by the United States and Texas Constitutions are rendered worthless, because unrepresented defendants will not fully understand what those other rights are or how to assert them in court. Persons who are accused of crime and denied the right to counsel face an increased risk of being convicted of crimes they did not commit, leaving the public at continued risk from the true perpetrators of those offenses. Persons who are accused of crime and denied the right to counsel are likely to receive longer sentences of imprisonment than do defendants who are represented by competent defense counsel, which injects an arbitrary disproportionality into criminal sentencing. It also burdens taxpayers with the costs of incarcerating defendants who are imprisoned not in relation to the threat they pose to public safety but as a result of unfair and unconstitutional court procedures.

In flagrant violation of the right to counsel, Defendants are engaged in a systematic and deliberate scheme to deprive persons accused of misdemeanor offenses in Williamson County of their right to be represented by counsel and of their right to obtain court-appointed counsel when they are financially unable to hire a lawyer. Williamson County and the judges who preside over its county courts at law routinely fail to inform persons accused of crime of their right to counsel, provide inaccurate and misleading information about the right to

appointed counsel in order to discourage requests for counsel, encourage defendants to waive their right to counsel and speak directly to prosecutors, threaten defendants who assert the right to counsel, and delay or deny appointment of counsel to individuals who request an attorney and are eligible for court-appointed counsel under Texas and federal law.

In violation of federal and state law, Defendants refuse to appoint counsel to indigent accused persons who have requested counsel because, among other reasons, the accused persons are not physically disabled, the accused persons' family or friends post bond on their behalf, or the accused persons do not pass a court-ordered drug test. This conduct amounts to a systematic denial of basic civil rights to an entire class of individuals in Williamson County. This conduct also threatens some of the most basic premises of the American justice system, which hold that people will be treated fairly by the courts whether they are rich or poor and that the state will not deprive people of their liberty without first giving them a meaningful opportunity to respond to any charges brought against them. To stop Defendants' unconstitutional and unfair practices, Plaintiffs assert the claims described herein on behalf of themselves and on behalf of all indigent persons who are accused of a crime in Williamson County, conviction for which could involve a sentence of jail time.

## **II.**

### **DISCOVERY**

1. Plaintiffs plead Level 3 discovery pursuant to Rule 190.4 of the Texas Rules of Civil Procedure.

## **III.**

### **PARTIES**

2. Plaintiff Kerry Heckman is an individual residing in the city of Bartlett in Williamson County, Texas.

