

# Indigent denied lawyers, suit says

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Williamson County habitually denies indigent defendants facing criminal misdemeanor charges their right to a court-appointed attorney, an Austin-based legal advocacy group contends in a class-action lawsuit filed Monday.

The Texas Fair Defense Project, which focuses on improving poor defendants' access to legal counsel, filed the petition on behalf of people currently facing misdemeanor criminal charges in the county, naming three defendants specifically. All three were denied access to court-appointed attorneys, the petition says.

According to the lawsuit, the county and the judges who preside over three county courts-at-law do not inform defendants about their right to legal counsel or, when they do, provide misleading information about that right; and they encourage defendants to waive their right to legal counsel and speak directly with prosecutors without an attorney.

When the defendants request court-appointed attorneys, the courts discourage them and delay appointment of an attorney, the petition says.

The lawsuit seeks an injunction requiring the county to inform people facing misdemeanor charges and possible imprisonment of their right to court-appointed legal counsel and to provide attorneys for indigent defendants. The plaintiffs are not seeking any monetary damages.

Stephen Ackley, chief civil litigator for the county attorney's office, declined to comment on the lawsuit, but he said that the office would be investigating the allegations.

Williamson County is known for its tough-on-crime stance and aggressive prosecution.

The lawsuit comes after more than a year of courtroom observation by the Texas Fair Defense Project and the Texas Criminal Justice Coalition, which identifies and searches for solutions to problems with the state's criminal justice system.

The groups said they repeatedly observed prosecutors speaking to defendants who did not have legal representation, said the coalition's Dominic Gonzales.

"We want the practices that this county employs to change dramatically so that every single person that faces criminal charges has their opportunity for their day in court," he said.

Kerry Heckman, 23, of Bartlett is one of the plaintiffs in the lawsuit. A seasonal farmworker who makes about \$6.50 per hour, Heckman was arrested in March and charged with driving while intoxicated.

Heckman said that when he first appeared in court in May, a visiting judge didn't ask about his finances and denied his request for a court-appointed lawyer because he said Heckman was dressed nicely. Then, Heckman said, the judge entered a plea of "no contest" for him and told him to get an attorney before returning to court or his bail amount would be increased. A no contest plea means that the defendant does not dispute the charges.

Heckman returns to court today, still without an attorney. He said he hopes that the lawsuit will make it easier for people who can't afford to hire lawyers to get representation in the court system.

"I'd like to see people get fair chances," Heckman said. "They need to explain carefully what you need to do" to get a court-appointed lawyer.

The other two plaintiffs in the lawsuit, Monica Maisenbacher and Sylvia Peterson, were denied court-appointed attorneys despite documentation that they had were indigent and had disabilities that prevented them from working, the petition said.

The lawsuit names as defendants Williamson County, County Judge John Doerfler, County Court-at-Law No. 1 Judge Suzanne Brooks, County Court-at-Law No. 2 Judge Tim Wright, County Court-at-Law No. 3 Judge Don Higginbotham and Judge William Thomas Eastes, a magistrate in Georgetown.

Doerfler, Eastes and Wright said they had not seen the lawsuit and declined to comment. Brooks and Higginbotham did not return calls Monday evening.

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