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Serving Alachua County

Serving Baker County

Serving Bradford and
Union Counties

Serving Levy and
Gilchrist Counties



Reply to:

History and Role of the Public Defender

The Sixth Amendment of the United States Constitution protects the right to an attorney for those accused of a crime. "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

The United States Supreme Court has interpreted that right to mean that the court must appoint an attorney to represent a criminal defendant who cannot afford to hire an attorney. The most significant decision on the right to counsel in Supreme Court history was *Gideon v. Wainwright*, in which the Supreme Court held the right of a poor person in a criminal trial to have the assistance of an attorney is a fundamental right essential to a fair trial.

The case of Clarence Earl Gideon started in Florida and ultimately led to the creation of the Florida Public Defender System in 1963. Gideon was a "drifter" and, based on his arrest record, a longtime petty criminal. When he was accused of burglarizing and stealing from a poolroom in Panama City, Florida, he was in his 50s, had an extensive criminal record, and had served time in jails throughout the country.

When Gideon requested the Court to appoint an attorney to represent him, the judge denied his request based upon the requirements of Florida law at the time. Gideon represented himself in a jury trial and was convicted. He appealed to the U.S. Supreme Court, and won.

In response to the U.S. Supreme Court's holding in *Gideon*, the Florida legislature created the Florida Public Defender System, establishing an Office of the Public Defender for each of Florida's judicial circuits. At that time there were only 16 Judicial circuits in the State of Florida; that number has since grown to 20 judicial circuits. The 20 circuits include a total of 67 counties throughout the state.

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Florida Statute 27.50 sets out the framework for state Public Defenders: "For each judicial circuit, there shall be a Public Defender who shall be and shall have been for the preceding 5 years, a member in good standing of The Florida Bar. The Public Defender shall be elected at the general election, for a term of 4 years, by the qualified electors of the judicial circuit. The Public Defender shall be an elector of the state and shall reside within the territorial jurisdiction of the judicial circuit in which he or she serves." All attorneys working for the elected Public Defender (called "assistant public defenders") are also lawyers in good standing with the Florida Bar.

Florida's Public Defenders represent adults and children charged with criminal offenses and clients held in civil commitment under the "Baker Act" and the "Sexually Violent Predator Act." Assistant public defenders represent defendants who are determined indigent and appointed to the office by the Court. In our office (the 8th Judicial Circuit), attorneys are supported by investigators and legal assistants. Third-year law students and law school graduates not yet admitted to the Florida Bar (called certified legal interns) also work with the Public Defender's Office. They investigate cases, research the law and, after receiving special training, may represent individuals in court. Our office keeps up with all new developments in the law. As part of continuing legal education, we hold in-house training classes for all employees. We may also send attorneys and other employees to outside training programs when necessary.

"Each Era finds an improvement in Law for the benefit of Mankind"
Quote from the headstone of Clarence Earl Gideon
(August 30, 1910 - January 18, 1972)