

AMERICAN COUNCIL OF CHIEF DEFENDERS

RESOLUTION

IN SUPPORT OF

BRIAN JONES
PUBLIC DEFENDER, PORTAGE COUNTY, OHIO

WHEREAS, BRIAN JONES is a PUBLIC DEFENDER in Portage County, Ohio. On August 16, 2007, MR. JONES was appointed to defend an indigent person accused of a crime for which he could be incarcerated for up to six months.

WHEREAS, MR. JONES was appointed the same day his client was scheduled to go to trial by jury. Accordingly, MR. JONES had no opportunity to investigate the charges and prepare a defense.

WHEREAS, MR. JONES requested the Court, the HONORABLE JOHN PLOUGH presiding, to delay the trial to allow him to investigate and prepare. JUDGE PLOUGH denied this request except for a long lunch hour of two-and-one-half hours. This was woefully inadequate for MR. JONES to fulfill his Constitutional obligation of Effective Assistance of Counsel.

WHEREAS, when MR. JONES balked at giving an opening statement because he had been given no opportunity to prepare for trial, JUDGE PLOUGH ordered MR. JONES arrested and to show cause why he should not be held in contempt of court. At a hearing on August 24, 2007, JUDGE PLOUGH held MR. JONES in contempt, imposing a fine and costs.

WHEREAS, at said contempt hearing, JUDGE PLOUGH lectured MR. JONES that public defenders should go to trial the same day they are appointed and 20 minutes preparation should be sufficient. JUDGE PLOUGH also accused MR. JONES of contacting media about this case, denied receiving a letter from the chief public defender informing the Court of public defender office policy concerning preparation time even though that letter had been personally delivered to JUDGE PLOUGH'S chambers, and blamed MR. JONES for not filing a written request for a continuance notwithstanding the fact MR. JONES had requested a delay on the record.

WHEREAS, this is not the first time JUDGE PLOUGH has threatened a defense lawyer with arrest or otherwise intimidated a defense lawyer into going to trial without reasonable time for preparation.

BE IT RESOLVED, that the AMERICAN COUNCIL OF CHIEF DEFENDERS hereby COMMENDS the courage and commitment of BRIAN JONES in defending his client and the Constitutional right to Effective Assistance of Counsel in the face of intimidation, incarceration, and fine. MR. JONES' actions are consistent with the highest traditions of

defense attorneys in the United States of America, and bring great credit upon PUBLIC DEFENDERS everywhere.

BE IT FURTHER RESOLVED, that the AMERICAN COUNCIL OF CHIEF DEFENDERS hereby CONDEMNS as abuses of judicial authority JUDGE PLOUGH'S actions in ordering MR. JONES' arrest, convicting and sentencing MR. JONES for contempt of court, and intimidating MR. JONES and other defense lawyers into going to trial without reasonable time for preparation.

BE IT FURTHER RESOLVED, that the AMERICAN COUNCIL OF CHIEF DEFENDERS hereby CONDEMNS any attempt to intimidate PUBLIC DEFENDERS and other defense lawyers to go to trial without reasonable time for preparation as a violation of the Sixth and Fourteenth Amendments to the United States Constitution.

AUTHORIZED this 25th day of August 2007 by unanimous voice vote of the AMERICAN COUNCIL OF CHIEF DEFENDERS in San Francisco, California.

Erwin W. Lewis
Chair, American Council of Chief Defenders