

# **ACLU Urges State Supreme Court To Affirm Right Of Counsel For Indigents**

## **Oconee County Man Sentenced To One Year In Prison Without Legal Representation**

**FOR IMMEDIATE RELEASE**

**November 30, 2009**

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**CHARLESTON – The American Civil Liberties Union's South Carolina Office has joined other prominent national advocacy groups in filing a brief with the state Supreme Court on behalf of an Oconee County resident sentenced to one year in prison without first being given the opportunity to be represented by a lawyer.**

**Michael Turner was found to be in contempt of court in January 2007 for falling behind in his child support payments. Unable to afford an attorney on his own, Turner was never given the option by Oconee County Family Court Judge Timothy M. Cain of being represented by a court-appointed lawyer prior to his hearing or sentencing.**

**"Mr. Turner is unfortunately only one of many indigent South Carolinians who have been imprisoned by family court judges without ever being represented by a lawyer," said Victoria Middleton, Executive Director of the ACLU South Carolina Office. "Turner's imprisonment without legal representation was a blatant violation of his constitutional rights."**

**On January 8, 2007, Turner appeared in Oconee County Family Court because he was behind in his child support obligation. He did not have an attorney, and he was not asked whether he needed or wanted representation. He presented some evidence of his inability to work, but the court made no finding as to Turner's indigent status. The judge held him in contempt and sentenced him to one year in jail. He could be released during that year only upon payment of \$5,728.76.**

**The ACLU and other groups argue in their brief that the Sixth Amendment right to counsel applies to contempt proceedings in which defendants face imprisonment. Every federal court of appeals that has addressed this issue has held that poor defendants facing jail time in child support enforcement cases have a constitutional right to counsel.**

**The brief urges the South Carolina Supreme Court to bring the state in line with rulings of the United States Supreme Court, a number of federal appellate courts and the overwhelming majority of state supreme courts by ordering that indigent defendants be represented by court-appointed lawyers in child support proceedings when imprisonment is a possible outcome.**

**"Every day in South Carolina, poor defendants like Michael Turner are forced to represent themselves in Family Court on pain of imprisonment," said Susan K. Dunn, staff attorney with the ACLU South Carolina Office. "Often the courts fail to determine the defendant's ability to pay the support obligation. Indigent defendants who are locked up for nonpayment of support without court appointed counsel languish in modern-day debtors' prisons after being subjected to proceedings lacking basic due process."**

**Other organizations involved in the filing of today's brief are: the Brennan Center for Justice, the National Association of Criminal Defense Lawyers (NACDL) the National Legal Aid and Defender Association (NLADA), and the South Carolina Association of Criminal Defense Lawyers (SCACDL).**

**Today's brief is available online at: [www.aclu.org/prisoners-rights/price-v-turner-amicus-brief](http://www.aclu.org/prisoners-rights/price-v-turner-amicus-brief)  
Information about the ACLU South Carolina Office is available online at: [www.aclusouthcarolina.org](http://www.aclusouthcarolina.org)**