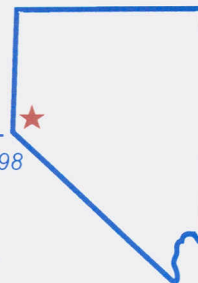


NACO

NEVADA ASSOCIATION OF COUNTIES

201 S. ROOP STREET, SUITE 101 • CARSON CITY, NEVADA 89701-4790 • (775) 883-7863 FAX (775) 883-7398



September 3, 2008

Nevada Supreme Court
201 South Carson Street
Carson City, NV 89701

RE: ADKT NO. 411

Honorable Supreme Court Justices:

The Nevada Association of Counties (NACO) would like to comment on the letter submitted to the Court by the American Civil Liberties Union, Charles Hamilton Houston Institute for Race and Justice, National Association of Criminal Defense Lawyers, NAACP Legal Defense and Educational Fund, Inc., and National Legal Aid & Defender Association. NACO shares many of the concerns voiced by the authors of this letter and supports much of the conclusions they reached.

NACO agrees wholeheartedly with the author's contention that *Gideon v. Wainwright*, 372 U.S. 335 (1963), made the provision of defense counsel for indigents incumbent upon the states and not county governments. We further agree that Nevada's counties have faced challenges in providing indigent defense services at constitutionally mandated levels; challenges they have increasingly faced with minimal help from the state. NACO shares the concern that this challenge will continue to grow as the demand for indigent defense counsel continues to increase due to growth in the state's population and expansion of the instances and time frames that these services must be provided as evidenced by the *Gault*, *Alabama v. Shelton*, and *Rothgery* cases cited by the authors.

NACO agrees with the author's conclusion that while the state may delegate the delivery of indigent defense services to the counties it is the state that is ultimately responsible for the provision of defense counsel to indigents. Nevada's counties strive to deliver indigent defense services at a constitutionally sufficient level, and for the most part do so admirably. NACO believes that, due to the diverse characteristics of Nevada, a single method of providing indigent defense services is impractical. Instead, the counties should continue to be allowed to develop delivery systems that work best given each county's particular circumstances. NACO agrees that there should be a statewide commission to ensure that the indigent defense services provided meet constitutional standards. Further, we agree that state should provide the resources to enable the counties to provide this service.

NACO would once again like to thank the Court for this opportunity to comment on this matter and to participate on the Indigent Defense Commission. County governments are the closest to the people and are responsible for providing the everyday services needed by the citizens of this state. The right to be represented by counsel when facing criminal charges is one of the bedrock principals which define our country. Nevada's counties are pleased to be working with the Court to ensure that this ideal is upheld.

Respectfully submitted,



Jeffrey Fontaine
Executive Director

CC: Via Email
The Honorable Joni Eastley, Nye County Commissioner
The Honorable John Ellison, Elko County Commissioner
Mr. John McCormick, Administrative Office of the Courts