

## "Missouri Public Pretender" A.K.A Missouri Public Defender:

By: Justin Johnson

I of many other indigent defendants who are accused of crimes are forced to proceed with state appointed attorneys (public defenders) who don't fully pay attention to the ins and outs of their clients cases. They are piled up with so many cases and often neglect the proper attention, time, and effort needed to properly prepare for trial. Yes, they have passed the Missouri bar exam and have been allowed to practice law in Mo., but they perform way below the customary skill and diligence that a reasonable competent lawyer would exercise under similar circumstances. In result, thousands of defendants are denied their constitutional rights guaranteed by the fifth, sixth, eighth, and fourteenth Amendments to the United States Constitution and article 1 Section 10 and 18(a) of the Missouri Constitution. Convictions in Missouri, from my observation, seem to come from 75% of neglect of duty from the public defender and 25% of actual facts, evidence, etc. I am a prime example, I went to trial with a public defender on a first-degree murder charge, I end up having a bench trial, which would eliminate the presence of the 12 Jurors and leave the judge alone to hear the facts, evidence, etc., etc., during the midst of my trial the judge took it upon himself to leave



out the courtroom during a break (recess) and was seen talking to the victim's family in the hallway without any prosecutor or my public defender present, being that my public defender knew that this wasn't normal practice, especially by the judge being the only active juror on my case, he had no business talking to anyone outside of court off the record (Trial Transcript). She was suppose to call for a mis-trial, but failed to do so. Although, the judge himself knew he made a mistake and admitted to making a mistake on record. Any other competent attorney would have called for a mis-trial immediately. That is just one of thousands of examples that can be given regarding their below norm skills and performance they utilize during their handling of indigent individuals cases. Regardless if we're indigent or not, we deserve and should be granted the same level of representation that a private counsel would give. After (temporary) having my life taken away from me by the Judicial system for my P.D. not being a true and sound legal aid, I Question their true value of human life, because they're constantly throwing young/old - men/women lives away to this judicial system. It is a right to be able to have a sound client/counsel relationship, and if that level of communication and trust isn't present you're not going to open



up to them about facts regarding your case even if it may benefit you in the long run. They don't make you feel comfortable, they make us feel like, this person is only here for a paycheck and doesn't have our best interest at heart. It doesn't make it any better that they only do the bare minimum required and don't exercise their intellect to the capacity regarding certain matters. Then once you're at the point where you can't communicate, due to lack of trust, and don't want to work with them anymore and contact their supervisor to get them removed from your case, you don't hear from the supervisor and they don't remove them. If you do receive a letter from the supervisor, it states, "I've checked the file and everything seems up to par." I'm also a victim of the above. Now, by the P.D. Knowing you have issues with them because you've expressed it to their supervisor in full detail, it becomes personal and the P.D. really doesn't go out of their way from that point, even if they know they have a strong chance at winning a case. Here I am once again forced to proceed with another Public defender to represent me on my Post-conviction-relief stage, due to lack of funds to hire private counsel. I guess it's no money, no justice, no equality or proper representation by the Public defender. Here is another



example of neglect by my Post-conviction-Relief appointed P.D., This is one of the most important stages of P.C.R., The defendant has to file what they call a form 40-29.15 pro-se, pro-se meaning - represent or do yourself. After defendant sends motion to the court, the court appoints a P.D. to represent defendant through this 29.15 procedure, The P.D. after being appointed to you has a certain time limit they have to file an amended motion, basically to amend your pro-se motion you filed as a defendant. My P.D. abandoned my motion and let the time expire for her to file the amended motion, This is once again one of the most important P.C.R. stages that will grant relief. After me sending the court a motion to have her removed from my case, due to abandonment, they appoint her to my case again. Do you think if she abandoned it the first time not showing any interest in completing this motion that she was going to do what really needed to be done the 2<sup>nd</sup> time? No, of course not, she is going to do the bare minimum, talk a bunch of lawyer talk as if she did her best, so she can clear the case off her load. That's what goes on constantly, they (P.D.) run across men/women who are ignorant to the law, rules, regulations etc., and they know that we are dependent on their



intellect, but they fast talk us using our ignorance to their advantage, just so they can seem to be doing their job. I must admit, not all of them act this way, you have some who truly care and take their time to help you and explain every step of the way to their clients, Majority of the "good ones" win their cases. I commend the ones who have their indigent clients best interest at heart! I, personally, truly feel my whole case was neglected by my public defender, and now in result of that I'm fighting to get my life back, going through stressful times, times of feeling depressed and wanting to give up, times of being away from my family and friends and times of feeling hopeless because I look at that paper that bear that Life w/o sentence with my name under it, all because the Public defender I had failed to perform her duties to her highest capacity. A lot of guys I encounter with take their public defenders words for face value and once it's all said and done, convictions, sentences, etc., etc., they give up and leave it at that, because they put their trust in someone who really isn't on their side and without any other options, we take them to be our only life line. Now, we're sitting in prison for however the amount of time we're given thinking we don't stand a chance for Post



conviction relief, based off of public defenders using terms like this: "I don't think the judge will grant such and such," how would they truly know if they don't try? They only respond in that manner when they know "we" don't know any better.

In closing, I truly believe that the whole public defender system needs to be revised and they need to monitor the attorneys performance and evenly spreading the caseloads so the proper attention, effort and actions be taken while acting as active counsel on indigent individuals cases, they need to hire more attorneys and actually have a disciplinary system set up for attorneys who perform below the norm, Have rewards or contest that will include a bonus for the highest performed attorneys, maybe that will give them motivation to do what they're paid to do, diligently represent the indigent defendants. This is a issue that really needs to be addressed and if executed correctly it would reduce the amount of indigent prisoners. I am currently looking for a private pro-bono P.C.R. attorney to represent me on the remaining stages of my 29.15 and later procedures (if necessary).

If you have any information regarding a pro-bono attorney or any (other) information that may be helpful to my cause (regaining my freedom) Please feel free to contact me with questions, references, comments, etc.



I can be reached via mail at: Justin Johnson #1124153  
Southeast Correctional Center  
300 E. Pedro Simmons Dr.  
Charleston, Missouri 63834

(TO: THE PUBLIC DEFENDERS)

P.S. - Taking time to explain,  
can reduce prison time and pain.

Sincerely,

Justin Johnson