

The right to be heard would be in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with a crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He therefore lacks both the skill and knowledge adequately to prepare his defense even though he has a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate or those of feeble intellect.

The primary disadvantages are inexperience of Counsel, lack of standards for certification of expertise, over billing unpredictable costs, and the taking on too many cases by one attorney. Attorneys performance is deficient if under circumstances, it was unreasonable under prevailing professional norms. When Counsel's defense strategy is reasonable, defendant cannot claim he was denied his 6<sup>th</sup> amendment right just because the strategy failed. The effective assistance of Counsel is very low.

My right to meet the case against me is one of the hallmarks of due process. We have to have all the evidences to be able to put on our case before a fact finder so that they can hear both sides of the story. That is the only way they will be able to judge the case on its merit of each side as conflicts are developed on cross-examination

Exhibit 1 The adversary system at work within the confines of the criminal law must closely adhere to the constitutional requirements essential to due process and a fair trial. IN theory a jury can examine the evidence and see the whole picture and make an intelligent decision in reaching a verdict consistent with the truth.

of course, this process is necessarily constrained by the rule of evidence and procedures that apply to these proceedings. In addition the process is influenced by the fact that the criminal is not necessarily a search for the truth, but rather an examination of whether there is an absence of necessary evidence.

10.02 - Counsel should reserve the right to amend. Failure to state a particular ground may waive the claim for later review. Similarly, failure to articulate all legal bases in support of suppression. (eg. both state and federal principles) may preclude appellate review or federal habeas relief far in the future.

- Critical stage violation

Counsel No working and trusting relationship. While accused and defense counsel should work closely together to prepare an effective defense.

- Strategy and tactical decisions

Prejudice to limit the possibility that the defense will be impaired.

## - Counsel

1) Imit to establish innocence by attacking the legal sufficiency of the proof.

2) Conceal or knowingly fail to disclose that which he is required by law to reveal.

3) Knowingly makes a false statement of law or fact.

4) Participate in the creation or preservation of evidence when he knows or it is obvious that the evidence is false.