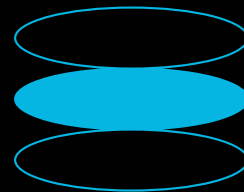




CASE BRIEF

Smith & Smith Law Offices



Case Background

In 2015, Hector Espinoza, Jr. was arrested and tried for possession of a controlled substance with intent to distribute and assaulting a police officer. Due to his financial difficulty, he was deemed to be indigent and was appointed a public defender as per his Miranda Rights. Instead of going to trial, Espinoza’s attorney recommended he take a plea deal with the prosecution. As part of this plea deal, Espinoza would receive a lighter sentence in exchange for signing an “appeal waiver”, giving away his right to appeal. After being sentenced to prison, Espinoza asked his attorney to file an appeal on his behalf, but the attorney refused based on the earlier agreement. Espinoza claimed this action violated his 6th Amendment rights to having counsel work on his behalf.

Demographics

Hector Espinoza, Jr. is a 26 year old male of Hispanic heritage. He has lived in Idaho his entire life. After completing high school, he began to work in construction, often taking short-term and day labor jobs. He does not have a permanent employer and struggles financially.

- | | |
|--|-----------------------------------|
| ● Age: was 26 at time of arrest | ● Occupation: Construction |
| ● Gender: Male | ● Education: High School |
| ● Ethnicity: Latino | ● Marital Status: Single |
| ● Location: Boise, Idaho | |

Client Narrative

Dear Honorable Judges,

My name is Hector Espinoza, Jr. I ask you to please look at my case. I don’t speak English perfect, and I didn’t go to college. I try to understand the court, but many things are hard for me. I trust my lawyer because I don’t have money for private lawyer.

In 2015, police arrest me for drugs and fighting with an officer. My lawyer tell me to take plea deal. He say it help me get less prison time. I don’t understand everything, but I say yes because I was scared. After I go to prison, I tell my lawyer I want to appeal. I think maybe the court made a mistake. I want someone to check.

But my lawyer say no. He say I cannot appeal because I sign paper before. I don’t know I lose all my rights. I ask him again, but he still say no. He never try. He never ask judge. I feel this is not fair. He don’t help me like a lawyer should. I feel like my right to lawyer under 6th Amendment was not respected.

I just want my voice to be heard. Please let me have my chance.

Thank you,

Hector Espinoza, Jr

Previous Attorney Information

Steven Williams passed the Idaho State Bar Exam and joined the state public defender’s office in August 2011. At the time of Mr. Espinoza’s case, Mr. Williams had approximately 87 active cases he was working on his caseload. Due to limited funding of the public defense system, Mr. Williams and other public defenders often complained about having insufficient time to meet with their clients. Because of the situation Mr. Williams found himself in, he regularly tried to convince his clients to accept plea deals in order to avoid the additional time necessary for a jury trial. This was the situation with Mr. Espinoza. According to Mr. Williams, once Mr. Espinoza signed the appeal waiver, he was no longer obligated to represent him as his attorney. Even though Mr. Espinoza continued to ask for him to file an appeal on his behalf, Mr. Williams refused and ended his relationship with him.

- **Attorney Name:** Steven Williams
- **Contact Information:** Public Defenders Office, State of Idaho
- **Dates of Representation:** March 2015 - June 2015
- **Reason for Termination:** Completed case, refuses to appeal

Summary

I understand that I committed a crime and I need to be punished. But, I don't think I should be in prison for so many years as they say it need to. My side of the story wasn't heard by a jury. My lawyer didn't help me to tell my side. Please give me another chance.