

Brief For Amici Curiae The Constitution Project and CATO Institute In Support Of Petitioner

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Summary: The representation of prisoners accused of capital crimes is unique in its difficulty and in the consequences when that representation is inadequate. This case exposes some of the serious cracks in the system charged with representing indigent defendants in such cases. Cato takes no position on the merits of the death penalty other than that the Constitution does not prohibit it and that our justice system is responsible for, at the very least, ensuring that prisoners receive fair notice of orders on which their lives depend. Both the courts and counsel failed Cory Maples here. Maples was convicted of capital murder and sentenced to death for killing two companions. After a series of state court appeals which affirmed his conviction, Maples filed a petition for post-conviction relief, which was ultimately dismissed. Maples never received notice of this deadline-triggering order because his pro bono lawyers left their big-firm jobs and a court clerk did nothing when the letter containing the order was consequently returned unopened. Because Maples did not receive notice of the deadline, he did not timely file an appeal and his claims were procedurally defaulted. The Eleventh Circuit affirmed the district court's denial of Maples's subsequent federal habeas petition because Maples "cannot establish cause for his default because there is no right to post-conviction counsel." Now before the Supreme Court, Cato joined The Constitution Project to file an amicus brief supporting Maples and arguing that the Court should excuse his default because the state failed to notify him of an order that could result in his death. Moreover, if the default is not excused, the state's inaction will deny Maples his constitutional right of meaningful access to the courts. The Eleventh Circuit relied on the rule that because "there is no constitutional right to an attorney in state post-conviction proceedings, a petitioner cannot claim constitutionally ineffective counsel in such proceedings." But Maples's habeas claim does not involve the ineffectiveness of his post-conviction counsel; his underlying claim is that his trial counsel provided ineffective assistance. Indeed, his post-conviction counsel provided no assistance whatsoever when it was time to appeal. And finally, there is cause to excuse Maples's default because this case is ultimately governed by principles of equity and basic fairness. Few if any reasonable observers would conclude that it is fair or equitable to put a man to death without allowing the least consideration of appellate claims that could save his life simply because his lawyers left their jobs, a firm mailroom returned letters to them unopened, and the court clerk's office did nothing when it discovered that crucial notice was never received.

Please see full brief below for more information.