

Court says Fining California's Poor Defendants is Unconstitutional *Second District Court of Appeal issues unanimous opinion in People v. Dueñas, a case BASF joined as Amicus Curiae in support of Appellant Velia Dueñas*

January 22, 2019 -- San Francisco –In a groundbreaking opinion, the California Second District Court of Appeals recently ruled that imposing court fees on indigent defendants is unconstitutional.

The case, *People v. Dueñas*, is a criminal appeal on behalf of Velia Dueñas, a disabled and homeless mother of two, who faced \$220 in court fines. The fines, stemming from driving with a suspended license, were imposed without consideration of her inability to pay. Dueñas was a teenager when she was first cited, and while her license was eventually suspended, she had to continue to drive to work and to take her children to school. Dueñas had no choice but to serve jail time each time she could not afford to pay fines, spending more than fifty days in jail.

In the 3-0 ruling, Justice Laurie Zelon said that imposing fines without considering Dueñas' ability to pay "simply punished her for being poor."

The Bar Association of San Francisco (BASF) was one of many organizations and groups to speak out in support of Dueñas, and filed an amicus brief in January 2018 along with the Los Angeles County Bar Association and the Beverly Hills Bar Association.

BASF applauds the ruling and the effort to end unjust punishment of California's poor defendants.

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The Bar Association of San Francisco (BASF) is a nonprofit voluntary membership organization of attorneys, law students, and legal professionals in the San Francisco Bay Area. Founded in 1872, BASF enjoys the support of more than 7,500 individuals, law firms, corporate legal departments, and law schools. Through its board of directors, its committees, and its volunteer legal services programs and other community efforts, BASF has worked actively to promote and achieve equal justice for all and oppose discrimination in all its forms, including, but not limited to, discrimination based on race, sex, disability, and sexual orientation. BASF provides a collective voice for public advocacy, advances professional growth and education, and attempts to elevate the standards of integrity, honor, and respect in the practice of law.