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LDF Media
212-965-2200 / media@naacpldf.org

LDF Amicus Brief Urges Massachusetts Supreme Court to Reverse Conviction of Black Muslim Man Represented by Racist, Islamophobic Court-Appointed Attorney

On Wednesday, the Legal Defense Fund (LDF) and the New England Innocence Project filed an [amicus brief](#) to the Massachusetts Supreme Judicial Court in *Commonwealth v. Dew*, calling on the Court to reverse the conviction of Anthony Dew, a Black man of Muslim faith, whose court appointed attorney, Richard Doyle, engaged in a pervasive pattern of publicly expressing anti-Black racism and religious bigotry against Muslim people. Mr. Dew also testified that Mr. Doyle's bigotry spilled directly into the representation: When Mr. Dew first met Mr. Doyle, the attorney demanded that he take off his religious headwear, a kufi, telling him not to "wear that s*** in the courtroom." Later, he would refuse to see Mr. Dew so long as Mr. Dew wore his kufi. And the next time they met, Mr. Doyle pressured Mr. Dew to plead guilty, saying that any attempt to seek a new court-appointed attorney would be futile.

Due to the open and pervasive bigotry of Mr. Dew's attorney, LDF's brief explains, there must be a presumption of prejudice in the legal representation Mr. Dew received — a violation of his rights under the Sixth Amendment and Article 12 of the Massachusetts Declaration of Rights. Racial bias can lead defense attorneys to adopt preconceived notions of guilt against clients of color, which can affect evaluations of evidence and the strength or weakness of a case. These evaluations in turn influence decisions big and small, in ways which will not appear in a trial record — from whether to file a motion to suppress, to how much resources to devote to an investigation, to whether to advise a client to accept a plea deal involving jail time.

In 2017, Mr. Dew filed a *pro se* motion for a new trial, where he argued that he did not understand the rights he was giving up when his counsel told him he needed to plead guilty. Around the same time, that court appointed counsel, Richard Doyle, was reported to the state's Committee for Public Counsel Services (CPCS) — the state-appointed body overseeing appointed counsel in Massachusetts — for making numerous bigoted, racist, and frequently violent Facebook posts disparaging Black people, Muslim people, and other people of color, including his own clients. The CPCS found that Mr. Doyle's prejudice created an actual conflict of interest in representing people of the Muslim faith and people of color and prohibited Mr. Doyle from taking on any criminal cases for at least one year, pending an application for reinstatement. Although the CPCS suspended Mr. Doyle, the trial court nevertheless held that

Mr. Dew failed to prove that “Doyle’s performance was deficient” or impacted the outcome of his case.

“When defense counsel harbors bigoted views that presume the guilt of people of color and people who are Muslim, there is a real risk that this bias will affect how they negotiate the plea-bargaining process,” said LDF Policing Fellow, Catherine Logue. “The injection of prejudice, racism, and bigotry into the client-attorney relationship is detrimental to the client in ways that are immeasurable, yet without question immensely harmful. This kind of bias, and any judgements arrived at from it, cannot be allowed to stand.”

“It offends our system of justice to allow a conviction to stand when a Black person who is a practicing Muslim is represented by a person who was openly biased against Black and Muslim people,” said LDF Assistant Counsel, Adam Murphy. “Where counsel’s racial and religious animus is so plainly and publicly stated, failing to provide a remedy is pernicious not only because it deprives Mr. Dew of his rights, but also because it undermines the credibility, reliability, and integrity of the legal system, and sends the clear message that ours is a system of justice for some but not for all.”

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Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation’s first civil rights law organization. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the Legal Defense Fund or LDF. Please note that LDF has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights.