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In Judicial First, Massachusetts Supreme Court Reverses Conviction of Black Muslim Man Represented by Racist, Islamophobic Court-Appointed Attorney

Today, in the first court ruling of its kind, the Massachusetts Supreme Judicial Court (SJC) vacated the convictions of a Black man of Muslim faith and ordered him a new trial, after finding that his court-appointed attorney had well-documented racist and Islamophobic views that presented an actual conflict of interest.

In an [amicus brief](#) and during oral arguments earlier this year in *Commonwealth v. Dew*, the [Legal Defense Fund \(LDF\)](#) and the New England Innocence Project urged the SJC to reverse the conviction of Anthony Dew, arguing that his attorney's pervasive pattern of publicly expressing anti-Black racism and religious bigotry against Muslim people was structural error and that reversal was required.

The Massachusetts Supreme Judicial Court agreed, writing in its [opinion](#): “when counsel harbors a deep-seated animus for persons of the defendant’s race or religion, we cannot presume zealous advocacy; nor can we ask the defendant to prove how his counsel’s bigotry might have affected the plea deal or otherwise impaired the representation.”

“This is the first time that any majority opinion has held that an attorney’s racial and religious animus constitutes an actual conflict of interest. It should not be the last,” said LDF Assistant Counsel Adam Murphy. “This decision provides relief to Mr. Dew and opens the door for relief to other clients of color who found no advocate in the person assigned to zealously represent them, but rather someone who was adverse to their interests and basic humanity.”

“This ruling is a step forward for racial justice,” said LDF Policing Fellow Catherine Logue. “The Court rightly recognized that the most basic notions of fairness are violated when a lawyer who engages in a public and pervasive pattern of racism and bigotry towards Black people and Muslim people represents a client who is both Black and Muslim.”

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, the Committee for Public Counsel Services (CPCS) — the state-appointed body overseeing appointed counsel in Massachusetts — suspended his court-

appointed attorney, Richard Doyle, for making bigoted social media posts, including about his own clients, and found that his prejudice created an actual conflict of interest in representing people of the Muslim faith and people of color. Mr. Dew also testified that, when he 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, Mr. Doyle 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. The trial court nevertheless held that Mr. Dew failed to prove that “Doyle’s performance was deficient” or impacted the outcome of his case.

With today’s ruling by the SJC, Mr. Dew’s conviction was vacated, and the case has been remanded for a new trial.

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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.