

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-031021-001 DT

03/22/2011

HON. SALLY SCHNEIDER DUNCAN

CLERK OF THE COURT
L. Porter
Deputy

STATE OF ARIZONA

JUAN M MARTINEZ

v.

JODI ANN ARIAS (001)

KIRK NURMI
VICTORIA ELISABETH WASHINGTON
DANIEL B PATTERSON
JAMES LEO LOGAN
LAWRENCE A HAMMOND
MARK I HARRISON

CAPITAL CASE MANAGER
JUDGE GRANVILLE
JUDGE RAYES
VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

The Court received and reviewed Defendant's Renewed Motion to Withdraw filed on March 21, 2011. In the motion, Mr. Nurmi indicates that The Office of Public Defender informed him on March 21, 2011, following a court hearing on this case that it was removing the assigned mitigation specialist, Teresa Price, the assigned investigator, Kim James, and the assigned paralegal, Aurelia Berry, from any further work on this case. According to Mr. Nurmi's motion, The Office of Public Defender justifies this decision because "it does not want [Mr. Nurmi] to be directing staff" presumably because he is no longer an employee of The Office of the Public Defender.

The defense team was assembled by court order pursuant to Rules 6.2, 6.3, 6.8 and 15.9 of The Arizona Rules of Criminal Procedure, the ABA Guidelines and the Sixth Amendment. The Office of the Public Defender does not have unilateral authority to dismantle the defense

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team. The Office of the Public Defender also has ethical obligations to exercise its authority over lawyers and staff in a manner consistent with a defense lawyer's ethical duty to his client, and to take reasonable remedial action to avoid ethical violations. Supreme Court Rule 42 (Rules of Professional Conduct), ER 5.1, 5.3.

Accordingly,

IT IS ORDERED denying Defendant's Renewed Motion to Withdraw.

IT IS FURTHER ORDERED that The Office of Public Defender shall immediately reassign Teresa Price, Kim James and Aurelia Berry to the case and their work shall resume immediately.

IT IS FURTHER ORDERED affirming the status conference scheduled for **April 4, 2011 at 8:30 a.m.** in this Division.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.