

11/16/2007 "See News Release 075 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 07-KK-2216

STATE OF LOUISIANA

VERSUS

REESE SIMS

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans

STAY LIFTED; WRIT GRANTED.

The trial court erred in removing defendant's counsel of choice. A defendant is guaranteed the right to counsel of choice so long as the defendant can obtain and afford the services of said counsel. See, U.S. Const. amend. VI; La Const. art. I, §13; *State v. Jones*, 97-2593, p. 2 (La. 3/4/98), 707 So.2d 975, 976. The right to private, non-appointed counsel of choice does not distinguish between a paid attorney and a pro bono lawyer. *Caplin & Drysdale, Chartered v. United States*, 491 U.S. 617, 624-625, 109 S.Ct. 2646, 105 L.Ed.2d 528 (1989) ("[T]he Sixth Amendment guarantees the defendant the right to be represented by an otherwise qualified attorney whom that defendant can afford to hire, or who is willing to represent the defendant even though he is without funds."); *Jones*, 97-2593 at 2, 707 So.2d at 977 (Where counsel was obtained at no cost to defendant, defendant could manage to retain counsel and the United States and Louisiana constitutions preclude counsel's removal). The order of the trial court removing defendant's counsel of choice, Bradley E. Black, is hereby reversed and counsel's representation of defendant is reinstated.