

12/06/2013 "See News Release 068 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2013-KK-2166

STATE OF LOUISIANA

VS.

LAMEEKA MCKINNEY

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF JEFFERSON**

JOHNSON, Chief Justice, would grant the writ application.

The trial court ruling on the defendant's Motion to Enroll as Counsel of Record should be reversed. The Sixth Amendment right to counsel includes a criminal defendant's right to secure counsel of his or her choice. *Powell v. Alabama*, 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed.158 (1932); *Wheat v. United States*, 486 U.S. 153, 159, 108 S.Ct. 1692, 1697, 100 L.Ed.2d 140 (1988). Accordingly, a court must give considerable deference to a defendant's choice of counsel, and disqualification "should be a measure of last resort." *In re Grand Jury Proceedings*, 859 F.2d 1021, 1026 (1st Cir. 1988). In this instance, the defendant consulted with an independent attorney, executed an affidavit with a waiver of conflict of interest and chose to retain Mr. Martin Regan as her counsel. Therefore, I believe the trial court erred in denying defense counsel's Motion to Enroll.