



USA v. Alan Richard Martinez, et al

2019 | Cited 0 times | W.D. Texas | August 23, 2019

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION UNITED STATES OF AMERICA,

vs. JOSE ARMANDO AGUILAR (2)

§ § § § § § § § § §

CASE NUMBER: 5:19-CR-443

ORDER On August 23, 2019, the Court held a hearing on the Current Court Appointed Attorney Mr. Kimbel Brown and Motion to Appoint Competent and

[#130]. Counsel for Defendant, Kimbel Brown, and Defendant Jose Armando Aguilar were both present at the hearing. (The Court excused the Government from attending.) pro se motion, and after considering the representations made on the record by both the Defendant and his counsel at the hearing, grant the motion.

However, the Court emphasizes to Defendant that the Sixth Amendment establishes a United States v. Magee, 741 F.2d 93 (5th Cir. 1984). Instead, a capable of rendering competent, meaningful assistance in the preparation and trial of the pending

United States v. Moore, 706 F.2d 538, 540 (5th Cir. 1983). attorney who agrees with the defendant s personal view of the prevailing law or the equities of

the prosecutor Id. who will

e Id

to the proposition, and capable of assuring that, the prosecu s case shall be presented in conformity with the Constitution, rules of evidence and all other controlling rules and practices. No Id.

rent attorney falls short of this standard, Defendant indicated that he believes he will be able to have a more productive relationship with a new attorney. attorney and therefore the Court will grant it. However, as the Court stated on the record and



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now reiterates to Defendant, Defendant should work in good faith with his new attorney and expect that the attorney communicate reasonably, but he should not expect that any attorney the Court appoints would agree with him on every issue related to the case, would file everything with the Court that Defendant requests, or be able to meet with Defendant immediately whenever Defendant requests it. In accordance with the foregoing, and for the reasons stated on the record during the hearing:

IT IS ORDERED that Attorney Mr. Kimbel Brown and Motion to Appoint Competent and Effective Attorney for the Replacement of Mr. Kimbel Brown [#130] is GRANTED.

SIGNED this 23rd day of August, 2019.

ELIZABETH S. ("BETSY") CHESTNEY UNITED STATES MAGISTRATE JUDGE

