In the Court of Appeals of the State of Alaska

Leroy Stansberry,	)	
	)	Court of Appeals No. **A-13291**
Appellant,	)	
v.	)	**Order**
	)	Remand
State of Alaska,	)	
	)	
Appellee.	)	Date of Order: **6/27/19**
	)	

Trial Court Case # **3AN-17-07947CI**

Attorney Fleur L. Roberts, under contract with the Office of Public Advocacy, represents the Appellant, Leroy Stansberry. Ms. Roberts recently filed a motion asking to withdraw from her representation in this appeal. Ms. Roberts explained in her affidavit supporting the motion that Mr. Stansberry will not communicate with her. Based on Ms. Roberts's motion, this Court recently remanded this case to allow the superior court to determine if Mr. Stansberry desired to, and was capable of, representing himself. But this Court, however, inadvertently overlooked Ms. Roberts's affidavit where she elaborated on her reasons for withdrawing.

Because Mr. Stansberry is represented at public expense (in this case, by contract through the Office of Public Advocacy), he does not have the right to reject appointed counsel and have new counsel appointed at public expense in the absence of any showing of cause for that change. *See Mute v. State*, 123 P.3d 1081, 1088 (Alaska App. 2005). If Mr. Stansberry wants new counsel appointed at public expense, then the superior court must determine whether there is good cause for that change.

This Court notes that the superior court has already found that Mr. Stansberry does wish to represent himself in this appeal, nor is he competent to do so.

Accordingly, IT IS ORDERED:

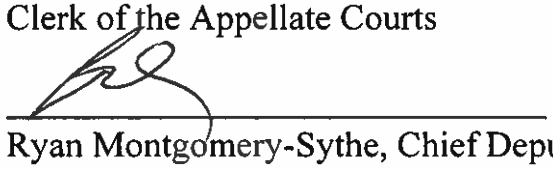
1. Mr. Stansberry's case is **REMANDED** to the superior court to determine whether there is good cause to allow Ms. Roberts to withdraw from representing Mr. Stansberry, and, if so, to appoint new counsel to represent Mr. Stansberry at public expense and direct that counsel to promptly file an entry of appearance in this appeal. If the superior court finds that there is no good cause to appoint new counsel at public expense, then Ms. Roberts shall continue to represent Mr. Stansberry, and the superior court shall inform this Court of these circumstances.

2. Mr. Stansberry may desire, if he has the means, to hire a private attorney to represent him. If this is the case, then the superior court will give Mr. Stansberry 60 days to retain private counsel, and the superior court shall inform this Court of this circumstance.

3. The superior court's report on these matters shall be transmitted to this Court on or before **July 31, 2019**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Judge Crosby
Trial Court Clerk

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