

In his sole proposition of error, Petitioner claims that he was deprived of effective assistance of counsel at the hearing on his motion to withdraw guilty pleas. After thorough review of the record before us, including the original record, transcripts, Petitioner's Brief and a Response filed on behalf of the State of Oklahoma, we hereby grant the Petition for a Writ of Certiorari in so far as we remand this matter to the district court for a proper hearing on the motion to withdraw guilty plea.

Dansby was deprived of the effective assistance of counsel at a critical stage of the proceeding, because his counsel had a conflict of interest in representing Dansby at the hearing on the motion to withdraw guilty plea. *Carey v. State*, 1995 OK CR 55, ¶ 10, 902 P.2d 1116, 1118 (attorney has actual conflict of interest where petitioner alleges ineffective assistance of counsel as a basis for motion to withdraw plea); *Randall v. State*, 1993 OK CR 47, ¶ 6, 861 P.2d 314, 315 (hearing on motion to withdraw plea is a critical stage invoking a defendant's Sixth Amendment right to counsel).

DECISION

The Petition for a Writ of Certiorari is **GRANTED** and this matter is **REMANDED TO THE DISTRICT COURT** for a new hearing on Petitioner's Motion to Withdraw Guilty Pleas with instructions to the District Court to appoint conflict-free counsel. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2006), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF OKLAHOMA COUNTY
THE HONORABLE SUSAN BRAGG, DISTRICT JUDGE

**APPEARANCES AT PLEA AND
HEARING ON MOTION TO
WITHDRAW GUILTY PLEAS**

MIKE MCBRIDE
ATTORNEY AT LAW
204 N. ROBINSON, SUITE 3030
OKLAHOMA CITY, OK 73102
ATTORNEY FOR DEFENDANT

CHRISTY MILLER
ASST. DISTRICT ATTORNEY
320 ROBERT S. KERR, SUITE 505
OKLAHOMA CITY, OK 73102
ATTORNEY FOR THE STATE

APPEARANCES ON APPEAL

THOMAS PURCELL
APPELLATE DEFENSE COUNSEL
O. I. D. S.
P. O. BOX 926
NORMAN, OK 73070
ATTORNEY FOR PETITIONER

W.A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA
LAURA E. SAMUELSON
ASSISTANT ATTORNEY GENERAL
112 STATE CAPITOL BUILDING
OKLAHOMA CITY, OK 73105
ATTORNEYS FOR STATE

OPINION BY: C. JOHNSON, J.
CHAPEL, P.J.: CONCURS
LUMPKIN, V.P.J.: CONCURS IN RESULTS
A. JOHNSON, J.: CONCURS
LEWIS, J.: CONCURS

OB