

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

AMINU ZEGARIAH TIJUANI INUWA,)
)
 Petitioner,)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Respondent.)

NOT FOR PUBLICATION

Case No. C-2007-968

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 15 2008

SUMMARY OPINION

MICHAEL S. RICHIE
CLERK

CHAPEL, JUDGE:

Aminu Inuwa pled no contest to two counts: Robbery with a Firearm After Former Conviction of Two or More Felonies and Possession of a Firearm After Former Conviction of a Felony in Tulsa County District Court, Case No. CF-2006-4627. After a hearing on September 10, 2007, the Honorable Jesse Harris sentenced Inuwa to twenty-three (23) years' imprisonment and a \$500.00 fine for the Robbery with a Firearm and fifteen (15) years' imprisonment and a \$500.00 fine for Possessing a Firearm After Conviction of a Felony. The sentences were ordered to be served concurrently. Inuwa timely filed an Application to Withdraw Plea on September 12, 2007, which was denied after a September 13, 2007, hearing. Inuwa timely appealed to this Court on September 24, 2007.

Inuwa raises the following propositions of error:

- I. Because defense counsel notified the court of a conflict of interests, the trial court erred by not appointing new counsel to represent Petitioner at the hearing on his request to withdraw pleas.

- II. Because the trial court granted Petitioner's request to withdraw his pleas in open court, the trial court deprived Petitioner of his due process rights when it rescinded its decision.
- III. Petitioner was deprived of his right to the effective assistance of counsel at the hearing on the motion to withdraw pleas.

After thoroughly considering the entire appellate record, including the original record, transcripts, briefs and exhibits of the parties, we find that reversal is required because Inuwa was denied the effective assistance of counsel. Specifically, we find in Proposition I that Inuwa was denied the effective assistance of counsel due to an attorney-created conflict of interest.¹

Decision

Petitioner's Writ of Certiorari is **GRANTED** and cause **REMANDED** for a proper hearing on the Application to Withdraw Guilty Pleas. 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.

¹ *Carey v. State*, 902 P.2d 1116, 1117 (Okl.Cr.1995)(conflict of interest found where petitioner alleged trial attorney coerced plea). Here, Inuwa essentially represented himself at the hearing on his Application to withdraw his guilty plea. Trial counsel asked to be permitted to withdraw and that new counsel to be appointed on the Motion to Withdraw he filed for Inuwa. Inuwa's central complaint was the quality of trial counsel's representation before and at the plea. Inuwa reluctantly admitted that he had been satisfied with counsel's representation at his plea, although it is fairly obvious from reading the record that he was not.

ATTORNEYS AT TRIAL

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OPINION BY: CHAPEL, J.

LUMPKIN, P.J.:	CONCUR
C. JOHNSON, V.P.J.:	CONCUR
A. JOHNSON, J.:	CONCUR
LEWIS, J.:	CONCUR

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