



hearing on the motion to withdraw his guilty plea because he was represented at the hearing by counsel with whom he had conflicting interests. Although Petitioner did not object to the conflict of interest at the hearing on the motion to withdraw, the record supports a finding that an actual conflict of interest adversely affected his lawyer's performance. Petitioner was denied his Sixth Amendment right to effective assistance of counsel at the hearing on the motion to withdraw as his defense counsel defended his own interests rather than those of his client. *See Carey v. State*, 1995 OK CR 55, ¶ 10, 902 P.2d 1116, 1118. Thus, this case must also be remanded to the district court for a proper hearing on the motion to withdraw in which Petitioner may be represented by conflict-free counsel.

### **DECISION**

The Petition for Writ of Certiorari is **GRANTED**, and the cause **REMANDED** to the district court for a proper hearing on the Motion to Withdraw Guilty Plea. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2005), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF OKLAHOMA COUNTY  
THE HONORABLE JERRY D. BASS, DISTRICT JUDGE

#### **APPEARANCES AT PLEA WITHDRAWAL HEARING**

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