

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

UNITED STATES OF AMERICA,
Plaintiff,

v.

JARRELL A. MURRAY,

Defendant.

ORDER

08-cr-87-bbc-4

Defendant Jarrell A. Murray has requested appointment of a new attorney. Dkt. 169 (sealed). Murray's biggest concern is his belief that his attorney signed off on an agreement with the prosecutor to have Murray's competency examined when Murray actually is "100% lucid."

Murray misunderstands what happened and why. The prosecutor did not even attend the January 27, 2009 hearing at which counsel first asked to withdraw. At that hearing, I saw Murray's disturbingly flat affect and his complete failure to engage on any level. This, joined with counsel's report of her inability to get Murray to assist her, and with the marshals service's report of Murray's situation at the jail, convinced me that there was a serious question whether Murray is competent. On that basis the court ordered a competency evaluation. I would have done so even in the absence of any request from Murray's lawyer. The prosecutor was not involved in this process at any time.

Finally, until the court is satisfied that Murray is competent, we cannot and will not proceed on his request for a new attorney. Murray is concerned that his lawyer is "colluding" with the prosecutor. He is incorrect and he is not going to get a new lawyer based on his mistaken belief that his current attorney is not fighting hard enough for him. We can discuss this at a hearing after a finding that Murray is competent to proceed.

Entered this 12th day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge