

ROP v. Wolff, 10 ROP 184 (Tr. Div. 2002)
REPUBLIC OF PALAU,
Plaintiff,

v.

MARTIN WOLFF,
Defendant.

CRIMINAL CASE NO. 99-253

Supreme Court, Trial Division
Republic of Palau

Decided: March 13, 2002

ARTHUR NGIRAKLSONG, Chief Justice:

A hearing was held on October 9, 2001, on Andrew Brown's unopposed motion to withdraw as Defendant's counsel. The Court granted Mr. Brown's motion for the reasons given. First, Defendant preferred Mr. Johnson Toribiong to be his attorney over the Public Defender's Office. Second, Defendant chose not to cooperate with Mr. Brown in the preparation of his case and instead accused the Public Defenders of being incompetent lawyers. Although Defendant is a trained **§185** lawyer and was a practicing attorney until he was disbarred in this jurisdiction on July 12, 1996, the Court asked him if he understood that he would now have to retain counsel at his own expense. Defendant replied "yes." (Order of October 9, 2001 and October 30, 2001.)

On October 29, 2001, Defendant filed a motion for appointment of counsel or essentially a motion for reconsideration of the above Court Orders. Since this motion relates to Defendant's motion to dismiss on the ground of ineffective assistance of counsel, the Court informed the parties that it will decide this motion with Defendant's motion to dismiss. Having decided that Defendant failed to show the Public Defender's Office's "incompetence" in handling his case, the Court now denies Defendant's motion to appoint counsel for him. The Court's findings on his motion to dismiss on ineffective assistance of counsel ground are incorporated herein.

In his motion for appointment of counsel, Defendant claims that he "he has never failed to cooperate with the Public Defender's Office." The Court has found that the Defendant deliberately failed to communicate and cooperate with Mr. Brown and instead asked Mr. Toribiong to do important legal work for him in this case. Defendant charged the Public Defender's Office with "incompetence" and failed to prove the charge, destroying any possible attorney-client relationship between him and the Public Defender's Office.

Defendant does not have the right to have the Court appoint the counsel of his choice. *United States v. Ono*, 997 F.2d 647, 651 (9th Cir. 1993). At this point, he may represent himself or find a counsel at his own expenses. Furthermore, by his own conduct, Defendant destroyed his attorney-client relationship with the Public Defender's Office. *United States v. Irorere*, 228

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F.3d 816 (7th Cir. 2000); *United States v. Roston*, 986 F.2d 1287, 1292-93 (9th Cir. 1993). That
relationship is beyond repair and it is Defendant's own fault.

Defendant's motion for a court-appointed counsel is hereby DENIED.