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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

STANLEY PARK,

Petitioner,

v.

THE SUPERIOR COURT OF
LOS ANGELES COUNTY,

Respondent;

THE PEOPLE,

Real Party in Interest.

B243093

(L.A.S.C. No. NA080541)

OPINION AND ORDER
GRANTING PEREMPTORY
WRIT OF MANDATE

ORIGINAL PROCEEDING; petition for writ of mandate. Jesse I. Rodriguez,
Judge. Petition granted.

Law Offices of Wing & Parisi and Linda M. Parisi for Petitioner.

No appearance for Respondent.

Steve Cooley, District Attorney, Phyllis Asayama, Assistant Head Deputy District
Attorney and Beth L. Widmark, Deputy District Attorney, for Real Party in Interest.

The People having conceded that respondent court abused its discretion by denying the motion to substitute appointed counsel with retained counsel, and as there is not a plain, speedy and adequate remedy at law, we hereby issue a peremptory writ in the first instance, directing respondent court to remove appointed counsel Deputy Alternate Public Defender Jon Tokeshi and substitute privately-retained counsel Linda Parisi to represent petitioner in the pending criminal prosecution in Los Angeles Superior Court No. NA080541, entitled *People of the State of California v. Stanley Sunghoon Park*. (Code Civ. Proc., § 1088; *Brown, Winfield & Canzoneri, Inc. v. Superior Court* (2010) 47 Cal.4th 1233, 1237–1238; *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180.)

Generally, a defendant has the right to choose counsel. (*People v. Ortiz* (1990) 51 Cal.3d 975, 982–984.) The trial court “must balance the defendant’s interest in new counsel against the disruption, if any, flowing from the substitution.” (*People v. Lara* (2001) 86 Cal.App.4th 139, 153.) The “prospect of possibly impairing efficient judicial administration” must be sufficiently weighty “to overcome defendant’s interest in obtaining counsel of his [or her] choice.” (*People v. Gzikowski* (1982) 32 Cal.3d 580, 589.) “[T]he ‘fair opportunity’ to secure counsel of choice provided by the Sixth Amendment ‘is necessarily [limited by] the countervailing state interest against which the sixth amendment right provides explicit protection: the interest in proceeding with prosecutions on an orderly and expeditious basis, taking into account the practical difficulties of ‘assembling the witnesses, lawyers, and jurors at the same place at the same time.’” The trial court, however, must exercise its discretion reasonably: ‘a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to defend with counsel an empty formality.’” (*People v. Ortiz, supra*, 51 Cal.3d at pp. 983–984.)

After having granted a two-month continuance to appointed counsel, respondent court abused its discretion in denying petitioner’s request to be represented by counsel of his choice.

DISPOSITION

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of July 16, 2012, denying petitioner's motion, in Los Angeles Superior Court case No. NA080541, entitled People of the State of California v. Stanley Sunghoon Park, for substitution of privately-retained counsel Linda Parisi for appointed counsel, Deputy Alternate Public Defender Jon Tokeshi, and to issue a new and different order granting same and to set a new trial date.

This matter is final forthwith.

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THE COURT*:

*ROTHSCHILD, Acting P. J.

CHANEY, J.

JOHNSON, J.