

MINUTE ENTRY

April 14, 2016

UNITED STATES OF AMERICA

CRIMINAL NO. 15-cr-00240 (01) & (02)

VERSUS

JUDGE HICKS

MICHAEL A. LORD (01) and
RANDALL B. LORD (02)

MAGISTRATE JUDGE HORNSBY

At the December 8, 2015 initial appearance and arraignment of Defendants, attorney Paul Carmouche orally moved to enroll as counsel for both Defendants. The court then addressed Defendants and advised them of the potential conflict of interest in sharing an attorney. More specifically, the court advised Defendants that they were entitled to their own lawyers; that if they could not afford their own lawyers, the court could appoint a separate lawyer for each of them; and that a conflict of interest in sharing a lawyer may appear in several different ways, for example:

(1) Information that a Defendant shares in confidence with his lawyer should not be used by the attorney for the benefit of any other person, including the other Defendant;

(2) The attorney may subconsciously favor one Defendant over the other Defendant;

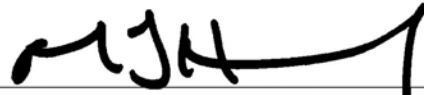
(3) If one Defendant wishes to testify as a witness, the attorney could not cross-examine his own client using that client's confidential information; and

(4) At sentencing, one Defendant may wish to testify against the other or point the finger at the other in order to reduce his own sentence.

The court advised Defendants that there can be benefits to sharing a lawyer, such as cost, but in order to do so, both Defendants' defenses should be aligned.

Defendants are now set for a guilty plea before the District Judge. Prior to accepting the guilty plea, it is recommended that the District Judge:

- (1) Remind Defendants of their right to separate counsel;
- (2) Confirm that, based on the factual basis and other information provided to the court at the time of the guilty plea, neither Defendant is pointing the finger at the other Defendant in an attempt to reduce his own sentence; and
- (3) Obtain, out of an abundance of caution, a verbal waiver on the record of any potential conflict of interest that may be presented.



Mark L. Hornsby
U.S. Magistrate Judge