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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

United States of America, Plaintiff, v. Alejandro Ruiz-Ibarra, Defendant.	CR-06-388-PHX-ROS **GOVERNMENT'S RESPONSE TO DEFENSE COUNSEL'S THIRD MOTION TO WITHDRAW AS COUNSEL OF RECORD**

The United States of America, by and through undersigned counsel, hereby submits this response to defense counsel's third motion to withdraw as counsel of record. Defense counsel has moved to withdraw because of an apparent communication breakdown with her client. The government opposes the motion.

A defendant in a criminal prosecution has the right to a speedy and public trial. 6th Amendmend. This fundamental right, however, exists not only for the defendant but also for the public, whose speedy trial right "exists separate from, and at times in opposition to, the interests of the accused." *U.S. v. Tanh Huu Lam*, 251 F.3d 852, 855 (9th Cir. 2001)(citing *Barker v. Wingo*, 407 U.S. 514, 519 (1972)). When Congress designed the Speedy Trial Act, it did so "in part to protect the public's interest in the speedy administration of justice." *U.S. v. Hall*, 181 F.3d 1057, 1062 (9th Cir. 1999). "Accordingly, regardless of the willingness of counsel to accept pretrial delay, the Speedy Trial Act assigns district courts an independent responsibility to protect both the defendant's and the public's strong interest in the timely administration of justice." *U.S. v. Messer*, 197 F.3d 330, 337 (9th Cir. 1999).

While the government is mindful of the fact that defense counsel is experiencing difficulty as of late in communicating with her client, and that she has not been paid the balance

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of her fee, the government respectfully asserts the public's interest in the timely disposition of this case under the Speedy Trial Act. The defendant has been in pre-trial custody for more than 14 months, and the government is of the opinion that the interest of the public in resolving this case outweighs the interest the defendant may have in continuing it for the purpose of receiving a new attorney.

Respectfully submitted this 8th day of June 2007.

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s/ *Timothy F. Andrews*
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CERTIFICATE OF SERVICE

I hereby certify that, on June 8, 2007, I transmitted the attached document to the clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Erin M. Alavez
Attorney for Defendant

by: s/ *Timothy F. Andrews*
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