

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 0459

VERSUS

CARLTINA AUGUSTUS

APR 20 2015

In Re: Carlтина Augustus, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 11-14-0261.


BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT DENIED.

WRC
JTP

Welch, J., dissents and would grant the writ application. In the instant case, there appears to be an actual conflict of interest as the public defender's office, who presently is representing relator, also previously represented the victim in the instant case. This places the relator's attorney in a situation inherently conducive to divided loyalties. See **State v. Tart**, 93-0772 (La. 2/9/96), 672 So.2d 116, cert. denied, 519 U.S. 934, 117 S.Ct. 310, 136 L. Ed.2d 227 (1996). Although relator's attorney did not personally represent the victim, the public defender's office has represented both relator and the victim in this case; thus, denying relator the right to effective assistance of conflict-free counsel. An attorney associated with other lawyers in a firm has an ethical obligation to avoid representing a client when one of the attorneys practicing alone would be prohibiting from doing so. See **State v. Connolly**, 2006-0540 (La. 6/2/06), 930 So.2d 951, 954 n.1.

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