

ARIZONA SUPREME COURT

STEVEN CARROLL DEMOCKER, ) Arizona Supreme Court  
 ) No. CV-10-0323-PR  
 )  
 ) Petitioner, )  
 ) Court of Appeals  
 )  
 ) v. )  
 ) Division One  
 ) No. 1 CA-SA 10-0212  
 )  
 ) THE HONORABLE ROBERT M. BRUTINEL, )  
 ) JUDGE OF THE SUPERIOR COURT OF ) Yavapai County  
 ) THE STATE OF ARIZONA, in and for ) Superior Court  
 ) the County of Yavapai; THE ) No. CR 20081339  
 ) HONORABLE WARREN R. DARROW, )  
 ) JUDGE OF THE SUPERIOR COURT OF )  
 ) THE STATE OF ARIZONA, in and for ) **O R D E R**  
 ) the County of Yavapai, )  
 )  
 ) Respondent Judges, )  
 )  
 ) STATE OF ARIZONA, ex rel., ) **FILED 10/26/2010**  
 ) SHEILA SULLIVAN POLK, Yavapai )  
 ) County Attorney, )  
 )  
 ) Real Party in Interest. )  
 )  
 )

On October 15, 2010, Petitioners filed under seal a Petition for Review of a Special Action Decision of the Court of Appeals to which the State has filed a Response under seal. After consideration,

**IT IS ORDERED** granting the Petition for Review and granting relief. The Petitioners have asserted they have a nonwaivable conflict of interest and should be permitted to withdraw as counsel in the captioned case under ER 1.7, ER 3.7, and ER 1.16, Ariz. R. Sup. Ct. The State concedes that defense counsel's "avowals should not be taken lightly" and acknowledges that

"[b]ased on a reasonable interpretation of the facts, the State agrees that such a conflict may exist" under ER 1.16. State's Response to Petition for Review at 11, 13. Given the State's concession, we conclude that defense counsel should be permitted to withdraw under ER 1.16(b)(3).

**IT IS FURTHER ORDERED** granting the Motion to File Petition for Review Under Seal dated October 15, 2010.

**IT IS FURTHER ORDERED** that the stay previously entered by this Court on October 18, 2010, is vacated.

**IT IS FURTHER ORDERED** remanding this case to the superior court for further proceedings consistent with this Order.

DATED this \_\_\_\_\_ day of October, 2010.

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REBECCA WHITE BERCH  
Chief Justice

TO:  
Shane Ham  
John M Sears  
Joseph C Butner III  
Warren R Darrow  
Robert M Brutinel  
Jeanne Hicks  
Ruth Willingham

jr