STATE OF MINNESOTA
COUNTY OF WINONA

DISTRICT COURT
THIRD JUDICIAL DISTRICT

In Re: Guardianship and/or Conservatorship
of David Austin Russell,
Respondent

Court File No. 85-PR-19-1081

Order Denying Motion for Appointment of New Attorney

This matter came on for hearing before the district court via Zoom on November 9, 2023, on Respondent's motion seeking appointment of a new attorney. Respondent was present with his court-appointed attorney, David Jones. Petitioner Winona County Community Services was represented by Assistant County Attorney Paul Ellison. The professional guardian and conservator, Catholic Charities of Winona, was represented by Britanny Dannelly.

The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following.

Findings of Fact:

1. An Order for Limited Guardianship was first issued for the Respondent on July 10, 2019. At the time respondent was represented by Attorney Frederick Suhler.
2. Attorney David Jones was first appointed to represent the Respondent in this matter on July 21,2021. Mr. Jones has continued to represent the Respondent since that time.
3. Mr. Jones has also represented the Respondent in a civil commitment matter in Winona County File Nos. 85-PR-21-1255 and 85-PR-23-105.
4. On April 8, 2022, Petitioner filed as petition for full guardianship and conservatorship ion this matter.

5. On April 15, 2022, Respondent filed correspondence with the court demanding appointment of a new attorney on the basis of alleged lack of communication between them.
6. On April 19, 2022, the Court issued a Notice of Judicial Determination denying Respondent's request for appointment of a new attorney.
7. On July 15, 022, the Court issued an Order granting full guardianship and conservatorship, with Catholic Charities of Winona County being appointed guardian and conservator.
8. On October 19, 2023, Respondent filed a motion requesting the Court remove David Jones as his attorney and to appoint a new attorney to represent him.
9. Respondent alleges in his motion that Mr. Jones "has made it clear he will not represent me," fails to communicate, and has "done nothing to prepare for the hearings or done done anything to represent me other than appear at the hearings."
10. Mr. Jones stated on the record that he has represented the Respondent in several matters since 2021 and was willing to continue as court-appointed attorney for the Respondent.
11. While the Respondent has the right to a court-appointed attorney, he does not have the right to decide who is attorney will be.

Order:

1. The Respondent's request to dismiss Attorney David Jones and be appointed a new attorney is DENIED.

Sturino, Carmaine
Nov 15 2023 11:28 AM

Carmaine Sturino
Judge of District Court