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# Lawyers for Pasco shooting suspect want off case

**Kristin M. Kraemer, Tri-City Herald**

Defense lawyers for a 28-year-old man accused of helping gun down a Pasco couple inside their home want off the case less than two months before trial, citing a breakdown in communication.

Jose Garcia-Morales stopped talking to his lawyers at least a year ago, and often appears slumped in a wheelchair with his head down for his Franklin County Superior Court hearings.

Shelley Ajax filed a motion Tuesday saying it is necessary for her and Moe Spencer to withdraw "because continued representation would result in violation of the Rules of Professional Conduct."

The motion says that "reasonable communication" is important for a client to effectively participate in the defense process.

Spencer, who came on the case in December 2010, previously has told Judge Carrie Runge that he has never had a conversation with Garcia-Morales.

Special prosecutors on the murder case have said Garcia-Morales is feigning incompetence and choosing not to talk to his attorneys or participate in evaluations at Eastern State Hospital, while a defense expert said the defendant is severely depressed with mental issues and has no reason to fake his symptoms.

The judge ruled last month that Garcia-Morales is competent and can proceed to trial. He is set to go before a jury March 14 on charges of first-degree murder and attempted first-degree murder.

Yet Ajax, in her motion, wrote: "At this point, from the court's own viewpoint of Mr. Garcia-Morales' actions, communication has broken down to a point that the attorney-client relationship has been eviscerated."

That motion, along with several others filed by the defense, will be argued in the days before jury selection begins.

Prosecutors allege Garcia-Morales went with his older brother, Ramon, to a Manzanita Lane home in December 2008 to confront Alfredo Garcia about money the brothers believed they were owed because they had been deprived of work in the fields.

Garcia was fatally shot and his wife, Maria Ramirez de Garcia, was wounded. She has trouble seeing out of her right eye and now uses a wheelchair to get around.

Ramon Garcia-Morales was sentenced in June to 67 years and two months in prison. That was less than three weeks after a jury convicted him of first-degree murder, attempted first-degree murder, two counts of second-degree assault and four firearm charges.

In trial, Jose Garcia-Morales will deny involvement in the shooting, Ajax said Tuesday, adding that they have no alibi or claims of insanity. Jurors will be told that Garcia-Morales was "merely present" when his brother opened fire, though Ajax noted that it is not a valid defense.

Garcia-Morales' trial is expected to last about three weeks.

-- Kristin M. Kraemer: 582-1531; [kkraemer@tricityherald.com](mailto:kkraemer@tricityherald.com)

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