

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :

v. : **1:21-CR-204-BAH**

ERIC TORRENS :

CONSENT MOTION FOR NUNC PRO TUNC ORDER OF APPOINTMENT

Mr. Eric Torrens, through counsel, respectfully moves this Court to issue an order confirming that undersigned counsel, Edward J. Ungvarsky, was appointed pursuant to the CJA Act in this matter on February 8, 2021. The CM/ECF system mistakenly reflects that undersigned counsel is retained. He is not. The government does not oppose this Motion.

The complaint in this matter issued on January 27, 2021, and Mr. Torrens was charged in 1:21-MJ-171. Mr. Torrens was arrested on February 1, 2021. See 1:21-MJ-171, ECF No.2. Mr. Torrens initially appeared in the Middle District of Tennessee. See 1:21-MJ-171, ECF. No. 6 (5(C) materials). In Tennessee, Mr. Torrens completed and submitted his financial affidavit shortly after his arrest. Undersigned counsel understood that those materials were transmitted to the U.S. District Court here.

On February 8, 2021, undersigned counsel was asked if he were available for appointment in this matter by the DC Federal Public Defender. Counsel acknowledged availability. Counsel was advised to prepare for and be present at the Initial Appearance and to anticipate appointment at the Initial Appearance. On February 8, 2021, Mr. Torrens appeared by video at his initial appearance before the Magistrate Judge in this matter. Undersigned counsel separately appeared by video and represented Mr. Torrens pursuant to appointment under the

CJA Act.

On February 19, 2021, Mr. Torrens' case in 1:21-MJ-171 closed and was merged with Criminal Number 1:21-CR-135. While at the top of the screen CM/ECF in 1:21-CR-135 lists undersigned counsel has retained in that matter, that listing is in error. Undersigned counsel's appointment is highlighted in yellow.

02/08/2021	Minute Entry for Initial Appearance as to ERIC CHASE TORRENS held by video before Magistrate Judge Robin M. Meriweather on 2/8/2021 : The Court advised the Government of its due process obligations under Rule 5(f). The defendant agreed to appear by video. Oral Motion by Defendant to Appoint Counsel, heard and granted. Attorney Edward Ungvarsky appointed to represent ERIC CHASE TORRENS under the Criminal Justice Act. Preliminary Hearing set for 2/22/2021 at 1:00 pm by telephonic/VTC before Magistrate Judge Robin M. Meriweather. Oral Motion by USA to Exclude Speedy Trial Time from 2/8/2021 to 2/22/2021, with no objection by the defense, heard and granted in the interest of justice. Bond Status of Defendant: Defendant placed on Personal Recognizance Bond. Court Reporter: FTR Gold - Ctrm. 24A; FTR Time Frames: 1:57:24 - 2:10:04 and 2:11:01 - 2:26:33. Defense Attorney: Edward Ungvarsky; U.S. Attorney: Kelly Smith for Jamie Carter; Pretrial Officer: Christine Schuck. (kk) (Entered: 03/15/2021)
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This case, 1:21-CR-204, initiated on January 25, 2021 as to the co-defendants. Mr. Torrens was joined to this matter upon indictment on March 10, 2021. On March 17, 2021, the Court, per Judge Walton, dismissed 1:21-CR-135. Mr. Torrens has proceeded forward in this case since. Unfortunately, at the top of the screen, CM/ECF in 1:21-CR-204 mistakenly denotes undersigned counsel as retained.

Throughout all matters, Mr. Torrens has been represented by court-appointed counsel. Undersigned counsel has represented Mr. Torrens pursuant to his February 8, 2021 CJA appointment throughout the cases here in the District of Columbia.

The mistake of counsel's status provides an inaccurate picture of Mr. Torrens' financial

circumstances and impacts counsel's ability to access the full CJA process.

WHEREFORE, the defendant, Eric Torrens, respectfully moves this Court to issue an order that Edward J. Ungvarsky is appointed in this matter pursuant to the CJA Act nunc pro tunc February 8, 2021, and that CM/ECF is corrected to reflect counsel's status as appointed pursuant to the CJA Act.

/s/ EDWARD J. UNGVARSKY
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Counsel for Eric Torrens

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ORDER

Having before the Court the motion of the defendant, Mr. Eric Torrens to issue an order appointing Edward J. Ungvarsky pursuant to the CJA Act nunc pro tunc February 8, 2021 and directing that CM/ECF is corrected to reflect appointment, and having no opposition from the government, for good cause shown, it is hereby ORDERED that the motion is GRANTED, and it is FURTHER ORDERED that Edward J. Ungvarsky is appointed in this matter pursuant to the CJA Act nunc pro tunc February 8, 2021, and that the Clerk's Office is directed to correct CM/ECF to reflect counsel's status as appointed pursuant to the CJA Act.

Hon. Beryl A. Howell
Chief Judge