

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

BRUNO JOSEPH CUA

Criminal Action No. 21-00107 (RDM)

**MOTION TO WITHDRAW PRIOR MOTION TO WITHDRAW
AS COUNSEL AND TO CANCEL OR CONVERT *FARETTA* HEARING**

On July 18, 2022, undersigned counsel filed a motion for leave to withdraw as counsel for Bruno Cua. ECF No. 173. On July 19, 2022, the Court held a status conference at which it discussed counsel's motion and the prospect of Mr. Cua proceeding pro se or with counsel, either undersigned counsel or replacement counsel. After such discussion, the Court scheduled an in-person *Faretta* hearing on July 28, 2022, at 11:00 am, to further discuss Mr. Cua's choices.

After further discussion between undersigned counsel and Mr. Cua following the status conference, and in view of the Court's discussions with Mr. Cua, Mr. Cua has decided to continue being represented by undersigned counsel. Based on their communications with Mr. Cua, undersigned counsel are confident that Mr. Cua has made a knowing and intelligent decision and understands counsel's role and duties in representing him. Accordingly, counsel hereby moves to withdraw its prior motion to withdraw as Mr. Cua's counsel and, on behalf of Mr. Cua, moves to cancel the *Faretta* hearing. In the alternative to cancelling the hearing, Mr. Cua respectfully requests that the Court convert the hearing to a status hearing and proceed by videoconference.

In support of this motion, counsel states as follows:

1. On July 18, 2022, undersigned counsel filed a motion to withdraw as counsel for Mr. Cua, citing a fundamental disagreement that had broken the attorney-client relationship. ECF No. 173.

2. On July 19, 2022, the Court held a video status conference with Mr. Cua, undersigned counsel, and counsel for the government, Ms. Kimberly Paschall. At the conference, the Court discussed counsel's motion with Mr. Cua and set a *Faretta* hearing on July 28, 2022, at 11:00 am to discuss how Mr. Cua wanted to proceed.

3. Following the hearing, and the Court's discussions with Mr. Cua regarding the issue, undersigned counsel had further discussions with Mr. Cua about his legal representation in view of the Court's discussion at the hearing. Following these further discussions with counsel, Mr. Cua has decided to continue being represented in this case by undersigned counsel. Undersigned counsel are confident Mr. Cua has made a knowing and intelligent decision and understands counsel's role and duties in representing him.

4. Accordingly, counsel is withdrawing its prior motion to withdraw as counsel for Mr. Cua.

5. With apologies to the Court for any inconvenience, and given the resolution of the status of Mr. Cua's legal representation, Mr. Cua respectfully requests that the Court cancel the *Faretta* hearing scheduled on July 28, 2022, at 11:00 am. In the alternative to cancelling the hearing, Mr. Cua respectfully requests that the Court convert the hearing to a status hearing and proceed by videoconference in view of the resolution of the issue of Mr. Cua's representation, the ongoing COVID pandemic, and the inconvenience to the parties that such an in-person hearing would entail, including travel to Washington, D.C.

Wherefore, for the foregoing reasons, Mr. Cua respectfully requests that the Court cancel the *Faretta* hearing scheduled on July 28, 2022, at 11:00 am or, in the alternative, convert the hearing to a status hearing and proceed by videoconference.

Respectfully submitted,

DATED: July 22, 2022

/s/ William E. Zapf
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CERTIFICATE OF SERVICE

I hereby certify that on this 22d day of July, 2022, I filed the foregoing with the Clerk of the United States District Court for the District of Columbia by using the CM/ECF system, which system I understand has provided electronic notice counsel of record. Mr. Cua has waived personal service and accepted service of this motion by email.

Dated: July 22, 2022

/s/ William E. Zapf
William E. Zapf