

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA)	
)	CRIMINAL No. 1:21CR00158-KBJ
v.)	
)	Status Hearing Date: May 7, 2021
Kyle Fitzsimons)	
Defendant)	The Honorable Ketanji Brown Jackson
_____)	

MOTION TO WITHDRAW AS COUNSEL

COMES NOW Gregory T. Hunter and Joel Anders, Counsel for the Defendant, Kyle Fitzsimons, to move this Honorable Court to permit them to withdraw as Counsel for the Defendant.

In support of this Motion, Counsel asserts the following:

1. Mr. Fitzsimons was arrested in the District of Maine on February 4, 2021 and made his first appearance in that court the next day. He was committed to this District on February 11, 2021.
2. Mr. Fitzsimons made his first appearance in this Court on March 29, 2021.
3. Mr. Fitzsimons had a detention hearing before Magistrate Judge G. Michael Harvey on April 6, 2021. Following a brief continuance, that hearing was completed on April 7, 2021 and bond was denied.
4. Mr. Fitzsimons was indicted on February 26, 2021, and arraigned before the Honorable Reggie B. Walton on April 22, 2021.
5. A status hearing is set for May 7, 2021 at 3:00 p.m.
6. Mr. Fitzsimons has asked that Counsel withdraw and ask the Court to appoint the Federal Public Defender to represent him.

7. Mr. Fitzsimons is currently incarcerated and has been since his arrest three months ago. He is indigent, making the appointment of counsel appropriate.
8. This case is still at a very early stage – discovery has only just begun and a trial date has not yet been set – so Counsel may withdraw without prejudice to the Defendant or the United States.
9. Counsel stands ready to protect Mr. Fitzsimons’ interests until they are relieved.

For the reasons stated above, Counsel respectfully requests that this motion be granted, allowing for leave to withdraw and the appointment of the Federal Public Defender

Respectfully Submitted,

_____/S/_____
Gregory T. Hunter
Virginia State Bar Number 45489
Attorney for the Defendant
2055 North 15th Street
Arlington, Virginia 22201
(703) 966-7226 telephone
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of May, 2021, an exact copy of the foregoing Position of the Defense was filed with the Clerk of the Court using the CM/ECF system, causing a Notice of Electronic Filing to be served upon:

Puja Bhatia, Esquire
Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, DC 20530

Brandon Regan, Esquire
Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia
555 4th Street NW
Washington, DC 20530

Copies of this document have been forwarded to the following non-filing users:
By First Class Mail:

Kyle Fitzsimons
Defendant
DC Jail

_____/S/_____
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ORDER

THIS CAUSE has come before the Court on Defense Counsel’s Motion to Withdraw as Counsel.

AS IT APPEARS that the Defendant wants Gregory T. Hunter and Joel Anders to withdraw as his Counsel, and they can do so without prejudice, it is hereby

ORDERED that Gregory T. Hunter and Joel Anders are relieved from further responsibility in this case.

FURTHERMORE, as the Defendant is entitled to Counsel and his continued incarceration makes appointing counsel appropriate, it is hereby

ORDERED that the Federal Public Defender is appointed to represent him in this matter.

ENTERED this _____th day of May, 2021.

Judge
United States District Court
For the District of Columbia