

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

UNITED STATES OF AMERICA :
 :
 v. : Docket No. 1:21-CR-00151-CKK
 :
 BARTON SHIVELY :
 : (Filed Electronically)

MOTION TO WITHDRAW AS COUNSEL

AND NOW, this 24th day of February, 2022, comes Terrence J. McGowan, Esquire, of the Law Firm of Killian & Gephart, LLP, and respectfully files this Motion to Withdraw as Counsel, averring as follows:

1. Defendant, Barton Shively, was charged via Criminal Complaint on January 19, 2021 with the following: Aiding and Abetting, in violation of 18 U.S.C. § 2; Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States or of any agency in any branch of the United States Government while engaged in or on account of the performance of official duties, in violation of 18 U.S.C. § 111(a)(1) and (2); Restricted Building or Grounds, in violation of 18

U.S.C. § 1752(a)(1), (2), and (4); and, Violent Entry Obstruct or Impede Passage, Engage in Physical Violence on Grounds or any of the Capitol Buildings, in violation of 40 U.S.C. § 5104(e)(2)(D), (E) and (F). (Doc. 1).

2. On February 24, 2021, an Indictment was filed charging Mr. Shively with the following: Count 1 - Civil Disorder, in violation of 18 U.S.C. § 231(a)(3); Counts 2 - 4 - Assaulting, Resisting, or Impeding Certain Officers, in violation of 18 U.S.C. § 111(a)(1); Count 5 - Entering and Remaining in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(1); Count 6 – Disorderly and Disruptive Conduct in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(2); Count 7 - Impeding Ingress and Egress in a Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(3); Count 8 – Engaging in Physical Violence in Restricted Building or Grounds, in violation of 18 U.S.C. § 1752(a)(4); Count 9 – Disorderly Conduct in a Capitol Building, in violation of 18 U.S.C. § 5104(e)(2)(D); Count 10 – Impeding Passage Through the Capitol Grounds or Building, in violation of 18 U.S.C. § 5104(e)(2)(E); Count 11 – Act of Physical Violence in the Capitol Grounds or Buildings, in violation of 18 U.S.C. § 5104(e)(2)(F).

3. On January 19, 2021, a Detention Hearing was held before the Honorable Magistrate District Judge Martin C. Carlson in the United States

District Court for the Middle District of Pennsylvania. As a result of this Detention Hearing, Mr. Shively was released on home detention.

4. On February 24, 2022, a Status Conference was held regarding this matter, and it was determined that another Status Conference would be scheduled for April 29, 2022. (Doc. 32).

5. Mr. Shively has requested to be represented by a member of the Federal Defender's Association and has applied for representation from them.

6. As such, undersigned Counsel respectfully requests to withdraw as Counsel in this matter.

17. Assistant United States Attorney, Emory Cole, Esquire, was contacted and indicated that the Government has no position on this matter.

WHEREFORE, it is respectfully requested that Terrence J. McGowan, Esquire and the Law Firm of Killian & Gephart, LLP, be withdrawn as Counsel in this matter.

Respectfully submitted,

February 24, 2022

/s/ Terrence J. McGowan
Terrence J. McGowan, Esquire
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BARTON SHIVELY	:	
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CERTIFICATE OF CONCURRENCE

Undersigned Counsel has contacted Assistant United States Attorney Emory Cole and he has no position on the granting of this Motion.

Respectfully submitted,

February 24, 2022

/s/ Terrence J. McGowan
Terrence J. McGowan, Esquire
Attorney I.D. #39129
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CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing document upon the person indicated below via electronic filing:

Emory Cole, Esquire
Office of the United States Attorney
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Emory.cole@usdoj.gov

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February 24, 2022

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